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STATE OF ILLINOIS

Richard B. Ogilvie,
- Governor

Illinois Occupational Safety and Health Laws

(in effect July 1, 1972; and
as Amended thru October 1, 1972)

With Illinois Titles and References
to Occupational Safety and Health Rules
and Standards

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ILLINOIS OCCUPATIONAL SAFETY AND HEALTH LAWS

JULY 1, 1972

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* Illinois Department of Labor has enforcement and administrative responsibilities for these laws.

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INTRODUCTION

to Illinois Occupational Safety and Health Laws
and Standards and Rules in effect July 1, 1972

This publication contains the complete text of 10 occupational safety and health laws in effect in Illinois as of July 1, 1972. Also included are the statutory requirements for recording and reporting of work-related deaths, injuries and illnesses contained in Sections 6(b) of the Workmen's Compensation Act and the Workmen's Occupational Diseases Act.

Extensive Amendments in 1972

The Health and Safety Act and the Safety Inspection and Education Act were extensively amended in 1972.

Under the 1972 amendments to the Health and Safety Act, it becomes the duty of the employee as well as the employer to comply with the occupational safety and health standards and rules issued under this Act.

Employers Covered

All employers engaged in any occupation, business or enterprise in Illinois, and their employees, including the State of Illinois and its employees are covered under the provisions of the Illinois Health and Safety Act and the Safety Inspections and Education Act.

Employers Covered (cont.)

However, these acts do not apply to any work, employment or operation done, had or conducted by farmers and others engaged in farming, tillage of the soil or stock raising, or to those who rent, demise or lease land for any such purposes, or to anyone in their employ, or to any work done on a farm or country place, no matter what kind of work or service is being done or rendered. Nothing in these acts apply to employers or employees in the coal mining industry. Employees of political subdivisions of the State (counties, cities, villages, districts, etc.) are not now covered (according to the Attorney General's opinion.)

Federal OSHA Standards also State Standards

All Federal occupational safety and health standards the U. S. Secretary of Labor has issued and which are in effect under the Federal Occupational Safety and Health Act of 1970 (OSHA) prior to July 1, 1972 (the effective date of P.A. 77-1901 amending the Illinois Health and Safety Act) are rules of the Illinois Industrial Commission. Therefore these Federal occupational safety standards are also Illinois occupational safety and health rules

(See pages xiii-xxiii for references to these Federal occupational safety and health rules which are also State of Illinois rules.)

Federal occupational safety and health rules becoming effective after July 1, 1972 will become rules of the State of Illinois (or be modified) according to the procedures outlined in Section 4(d) of the Health and Safety Act.

Illinois Parts A-Q

All health and safety rules issued under the Illinois Health and Safety Act known as Parts A-Q are also at this date in effect as Illinois occupational safety and health rules. Many of the provisions of Parts A-Q duplicate or contain provisions on the same subjects or on safety issues as the OSHA standards. Where there is a conflict, the higher or "more effective" standard applies.

Industrial Commission to Publish Standards and Rules

The Industrial Commission plans to promulgate the Illinois Unified Occupational Safety and Health Code for General Industry and for Construction. This Code will merge the Federal occupational safety standards issued under the Federal Occupational Safety and Health Act of 1970 with the Illinois occupational standards promulgated under the Illinois Health and Safety Act as Parts A-Q, retaining only the provisions of the Illinois standards which are "more effective" than the Federal occupational safety and health standards or Illinois standards on issues not covered under the Federal Occupational Safety and Health Act. This publication is expected to be available sometime during 1973.

The text of all occupational safety and health rules (standards), and administrative rules and regulations issued under the Health and Safety Act and the Safety Inspections and Education Act will be published in the Illinois Occupational Safety and Health Bulletin by the Industrial Commission. Announcements of all notices of variances and appeals and the decisions made also will be published in the Illinois Occupational Safety and Health Bulletin.

INJURY and ILLNESS REPORTING REQUIREMENTS

The Act (IRS, Ch. 48, §§ 891-894) passed in 1971 requiring the reporting of occupational injuries, illnesses and fatalities to the Department of Labor was repealed in 1972 and Section 6 of the Workmen's Compensation Act and Occupational Diseases Act and Section 4 of the Health and Safety Act were amended to require the reporting of injuries, illnesses and fatalities to the Industrial Commission.

Statutory Provisions in Section 6(b)

Employers, as defined in the Workmen's Compensation and Occupational Diseases Acts, are required to "maintain accurate records of work-related deaths, injuries and illness other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job . . ."

Employers are required to file with the Industrial Commission, in writing, "a report of all accidental deaths, injuries and illnesses arising out of and in the course of the employment resulting in the loss of more than one scheduled work day or the inability (of the worker) to continue performing the duties of his regular job."

"In the case of death such report shall be made no later than 2 working days following the accidental death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sonner by rule of the Commission."

Injury Reporting Requirements (cont.)

"In case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from the injury."

"All reports shall state —

the date of the injury, including the time of day or night,

the nature of the employer's business,

the name, address, age, sex, conjugal condition of the injured person,

the specific occupation of the injured person,

the direct cause of the injury and the nature of the accident,

the character of the injury,

the length of disability, and in case of death the length of disability before death,

the wages of the injured person,

whether compensation has been paid to the injured person, or to his legal representative or his heirs or next of kin,

the amount of compensation paid,

the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and

the amount paid for funeral or burial expenses if known."

Injury Reporting Requirements (cont.)

"The reports shall be made on forms and in the manner as prescribed by the Commission and shall contain such further information as the Commission shall deem necessary and require."

"Failure to file with the Commission any of the reports required in this Section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$200. All reports filed hereunder shall be confidential" (Sec. 6(b))

(See Workmen's Compensation Act and Occupational Diseases Act, Section 6, for report provisions, pages 46-52.)

Illinois Injury and Illness Records and Reports

Effective July 1, 1972, each employer became responsible under Illinois laws for keeping records containing the injuries and illnesses which occur at his establishment.

Under the Health and Safety Act, the Industrial Commission is required to prescribe rules requiring employers to maintain accurate records of, and to make reports on, work related deaths, injuries, and illnesses.

At this date, no special rules and regulations for recording injuries and illnesses have been issued. In general, the Illinois recordkeeping requirement is met by OSHA 100, Log of Occupational Injuries and Illnesses, and OSHA 102, Annual Summary of Occupational Injuries and Illnesses.

Effective July 1, 1972, all employers are required to report an occupational injury or illness which causes an employee to lose more than one scheduled work day or prevents him from performing

Injury Reporting Requirements (cont.)

the duties of his regular job. (See the provisions of the Illinois Health and Safety Act, and the Workmen's Compensation and Occupational Diseases Acts, Sec. 6.) In the case of death, such report must be made within two working days of the occurrence. In the case of injury or illness an employer must make his report between the 15th and 25th of the month. All reports are strictly confidential. Failure to file a report is punishable by a fine of not less than \$100 nor greater than \$200. (Public Acts 77-1900, 77-1901, 77-1902, and 77-1903)

Form 45

All employers must use the revised Employer's First Report of Injury or Illness (Form 45) to report the occurrence of an injury or illness. The new Form 45 is similar to the old form previously used only for compensable work injury reports, with a few additional questions. Three of the new entries required are explained below.

Form 45

Line 1 - The Illinois Unemployment Compensation No. is the number assigned to an establishment by the Illinois Division of Unemployment Compensation, and can be found on reports made to that agency.

The SIC Code is the Standard Industrial classification number. This is a 4-digit number from the Standard Industrial Classification Manual published by the U. S. Bureau of the Budget which best describes the activity of the establishment where the injury occurred.

Illinois Injury Reporting Requirements (cont.)

Form 45 Line 10 - Number of employees. Enter under (1)

Total number of employees last reported on Quarterly Report to the Unemployment Compensation Division for establishment reporting under the above Unemployment Compensation number.

Enter under (2) Number of employees at establishment (or location) where injury or illness occurred.

For Lines 19, 28, 32, 35, 36, 37, 38, check correct answers and enter additional information where requested. Information on all lines should be completed. However, at the time of the first report, compensation information on lines 35-38 may not be known, and in that case leave these lines blank and enter on Form 85 when that information is known.

Form 85

Form 85 is the Employer's Supplementary or Final Report of Injury and Illness. All employers are required to submit this report in addition to the First Report of Injury or Illness (Form 45) immediately -

- (1) When Workmen's Compensation payments begin or are stopped,
- (2) When there is any change in compensation status, and
- (3) When the final compensation payment is made.

Any companies or insurance carriers who report on their own forms, must use the revised Forms 45 and 85 and no form with deviations in the text will be accepted. However, the company's business heading can be printed at the top and interoffice data at the bottom, but no questions within the body or coding area at the right of the Form will be permitted.

Copies of Forms 45 and 85 may be obtained from the Illinois Industrial Commission, Technical Service, Room 1202, 160 N. LaSalle Street, Chicago, Ill. 60601. (Tel. (312) 793-3340)

Federal Reporting Requirements

Illinois requirements for reporting all work-related deaths, injuries and illnesses are in addition to the Recordkeeping Requirements under the Federal Occupational Safety and Health Act of 1970 (William Steiger Act). Beginning July 1, 1971, under the Federal Occupational Safety and Health Act, every employer must maintain in each establishment:

OSHA 100 - A log of occupational injuries and illnesses,

OSHA 101 - Supplementary records of occupational injuries and illnesses, (A separate form for each injury)

OSHA 102 - Summary of occupational injuries and illnesses to be prepared at the end of each year within one month following the end of that year.

The Summary must be posted in a place accessible to the employees.

Federal Posting Requirements

Under the Federal Occupational Safety and Health Act of 1970, all employers are required to post a notice regarding Safety and Health Protection on the Job, contained in the center fold of Recordkeeping Requirements under OSHA.^{1/} The Summary of occupational injuries (OSHA 102) prepared at the end of the year must be posted in a place accessible to employees. Also, copies of the citation received for any violation must be posted at or near the place of violation.

^{1/} Copies of these Federal OSHA Forms (100-102) and the notice may be obtained from the U. S. Bureau of Labor Statistics, 300 S. Wacker Drive, 8th Floor, Chicago, Ill. (Tel. (312) 353-7235) 60606

Illinois Posting Requirements

The only Illinois statutory posting requirement is in the Safety Inspections Act, Sec. 2(d)3, which requires each violation citation to be prominently posted as prescribed in regulations issued by the Director of Labor at or near the place the violation occurred.

Information to be Given Employees

Under the Health and Safety Act, Sec. 3(c), it is the duty of every employer to keep his employees informed of their protections and obligations under the Act, including the provisions of all applicable standards. It is the duty of every employer to furnish his employees with information regarding hazards in the workplace, including information about suitable precautions, relevant symptoms, and emergency treatment. (Sec. 3(d))

Illinois Unified Occupational Safety and Health Code

When we are talking about standards, the Federal Occupational Safety and Health Standards for General Industry issued October 18, 1972, are standards of the State of Illinois subject to modification by the Illinois Industrial Commission when they publish the Illinois Unified Occupational Safety and Health Code.

ILLINOIS OCCUPATIONAL SAFETY AND HEALTH STANDARDS
in Effect under the Illinois HEALTH AND SAFETY ACT
July 1, 1972

Statutory Provisions of Health and Safety Act

The Illinois Health and Safety Act, Section 4(d)
states:

4(d) "All federal occupational safety and health standards which the United States Secretary of Labor has heretofore promulgated, modified or revoked in accordance with the Federal Occupational Safety and Health Act of 1970, shall be and are hereby made rules of the Illinois Industrial Commission unless the Illinois Industrial Commission shall make, promulgate, and publish an alternate rule at least as effective in providing safe and healthful employment and places of employment as a federal standard."

"All federal occupational safety and health standards which the United States Secretary of Labor shall hereafter promulgate, modify or revoke in accordance with the Federal Occupational Safety and Health Act of 1970 shall become the rules of the Industrial Commission 60 days after their federal effective date, unless there shall have been in effect in this State at the time of the promulgation, modification or revocation of such rule an alternate State rule at least as effective in providing safe and healthful employment and places of employment as a federal standard. . . ."

However, before Federal standards become effective, the Industrial Commission has to publish the provisions of the rule and file a certified copy with the Secretary of State within 45 days. If the Industrial Commission fails to do so, any resident of Illinois may upon 5 days written notice to the Commission, publish such rule in one or more newspapers and file a certified copy with the Secretary of State, and the rule shall become effective but not less than 60 days after the Federal effective date.

(As amended by P.A. 77-1901; effective July 1, 1972)

Under above statutory provisions, Federal standards are also rules of the State of Illinois. (See p. xiv)

Previously, the Industrial Commission promulgated as Health and Safety Rules, Parts A-Q. (See pp. xv-xvii)

FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Which are also Illinois Occupational Standards

G E N E R A L I N D U S T R Y

Initial rules and regulations pertaining to Occupational Safety and Health Standards, National Consensus and Established Federal Standards for GENERAL INDUSTRY, were published in the Federal Register as Title 29, CFR, Part 1910, May 29, 1971, Vol. 36, No. 105, Part II.

These amended occupational safety and health rules and regulations for General Industry have been published in the Federal Register, Vol. 37, No. 202, Part II, Title 29, Ch. 27, Part 1910, Occupational Safety and Health Standards, including amendments through September 22, 1972, dated October 18, 1972.

C O N S T R U C T I O N

Rules and regulations pertaining to Title 29, CFR, Part 1926, Occupational Safety and Health Standards for Construction Code of Federal Regulations.

Basic Construction Standards, published in the Federal Register, April 17, 1971, Vol. 36, No. 75, Part II — Part 1518, Safety and Health Regulations for Construction.

Note: The designation number for construction was changed from 29, CFR, Part 1518, to 29, CFR, Part 1926, effective December 30, 1971.

OSHA 2061 is a companion piece to the basic Construction standards published in the Federal Register on April 17, 1971. By combining OSHA 2061 and the basic April 17, 1971 Federal Register, you will have a complete set of all standards for construction published through May 31, 1972.

All U. S. Department of Labor publications for OSHA standards published in the Federal Register and Injury Reporting Requirements may be obtained from:

U. S. Bureau of Labor Statistics
300 S. Wacker Drive, 8th Floor
Chicago, Illinois 60606 Tel. (312) 353-7235

ILLINOIS RULES and REGULATIONS PARTS A—Q
PROMULGATED under the HEALTH AND SAFETY ACT
July 1, 1972

Promulgated by the Industrial Commission
Enforced by Illinois Department of Labor

PARTS A thru Q

Part A. Scope Code.

Purpose and Application, Scope, Arrangements, and Numbering, Definitions, and Interpretation of Health and Safety Rules.

(Effective May 1, 1938; amended March 1, 1955)

Note of Explanation: The rules in Parts B to Q apply whenever the subject matter of such rules exists in all businesses, occupations, or enterprises having employees, and are not limited merely to those industries and occupations named in the title.

Part B. Machine Guarding Code.

(Effective May 1, 1938; amended September 1, 1944)

Part C. Grinding Code.

Removal of Dusts, Vapors, Fumes or Gases from Grinding, Polishing and Buffing Operations.

(Effective July 15, 1938; amended March 1, 1955)

Part D. Tunnel Code. (Whether or not under compressed air)

(Effective November 1, 1939)

Part E. Paint Coating Code.

Removal of Dusts, Gases, Vapors, Fumes and Mists released from Spray, Flow, Dip and Brush Coating Operations.

(Effective January 15, 1941)

Parts A-Q (cont.)

Part F. Foundry Code.

Safety and Health of Workers Employed in Ferrous and Non-Ferrous Operations where castings of Base Metals are made and all operations in connection therewith.

(Effective May 1, 1941)

Part G. Industrial Housekeeping and Sanitation Code.

Industrial Housekeeping and Sanitation, and Wash, Locker, Rest, Toilet and Lunch Room Requirements.

(Effective September 1, 1944)

Part H. Ladder Code.

(Effective February 1, 1949; amended June 22, 1953
and July 19, 1962)

Part I. Scaffold Code.

Scaffolds, Staging, Ladders and other Equipment for use in Constructing, Erecting, Repairing, Servicing and Demolishing Buildings, Structures and other Objects.

(Effective January 20, 1950; amended June 22, 1953;
1961; and July 19, 1962)

Part J. Labeling Code.

Labeling in the Use, Handling and Storage of Substances Harmful to the Health and Safety of Employees.

(Effective June 15, 1951)

Part K. Roofing Code.

Health and Safety of Workers Employed in the Handling and Application of Tar, Pitch, Asphalt and Other Bituminous Mixtures in Construction Operations.

(Effective July 1, 1953)

Part L. Welding Code.

Health and Safety of Workers Engaged in Gas and Electric Cutting, Welding, Brazing, Soldering and Similar Operations.

(Effective March 1, 1965)

Part M. Shoring of Trenches.

(Effective July 19, 1962)

Part N. Rules and Regulations Relating to Work Done in Proximity to Overhead Power Lines; Guy Derricks in Permanent Locations; Overhead Cranes; Crawler, Locomotive, Truck and Wheel Mounted Cranes; and Hoisting Accessories.

(Effective October 1, 1969)

Part O. Head and Hair Protection Rule.

(Effective July 28, 1971)

Part P. Occupational Noise Exposure Rule.

(Effective July 28, 1971)

Part Q. Power-Actuated Fastening Tools.

(Effective December 28, 1971)

Part Q is not compared for Federal standards by this preliminary report.

Other Illinois Occupational Safety & Health Standards

Occupational safety and health standards in effect under other Illinois laws administered by other Illinois State agencies or by local governments may be brought under the provisions of the State Plan in 1973.

A preliminary comparative study was also made of statutes, rules and regulations administered and enforced by other State agencies that would affect occupational health and safety of employees.

FEDERAL-STATE STANDARDS COMPARISON

A comparative study of Federal Occupational Safety and Health Standards with Illinois Occupational Safety and Health laws, rules, and regulations was made by the National Loss Control Service Corporation, consultant firm under contract to assist the Illinois Industrial Commission and the Illinois Department of Labor in their development of a State Plan.

This comparative study of Federal-State standards was made using the initial publication of the Occupational Safety and Health Standards as published in the Federal Register for General Industry, May 29, 1971, and for Construction as originally published April 17, 1971.

This preliminary study will have to be updated to include a comparison for amendments to the Federal Occupational Safety and Health Standards.

Recommendations for review of these preliminary findings have been placed before the Occupational Safety and Health Advisory Committee to consider existing State safety and health standards and suggest rules or changes, including alternate State rules to occupational safety and health standards. It is expected that this Safety Advisory Board will meet sometime early in 1973 and make recommendations concerning the Federal standards to be modified in accordance with the higher Illinois standards.

The preliminary survey made by the National Loss Control Service indicated that the following Illinois Health and Safety Rules, Parts A thru Q, issued by the Industrial Commission under the provisions of the Health and Safety Act, apparently are more effective than the corresponding Federal standards, or cover an issue not covered by the Federal standards.

State of Illinois
Occupational Safety and Health Standards
in Addition to Federal OSHA Standards

Part A - Scope Code

- Ch. 1, Sec. 2, Revise 1910.1
- Ch. 1, Sec. 5, Add to 1910.5, Rules 1(c), 1(d)

Part B - Machine Guarding Code

- Ch. 2, Sec. 2, Rule 1
- Ch. 2, Sec. 3, Rule 5
- Ch. 2, Sec. 4, Rules 9, 18
- Ch. 3, Sec. 2, Rules 1-5, 7-8
- Ch. 3, Sec. 3, Rules 3, 5(c), 6(b), 7(c), 15, 19, 21
- Ch. 3, Sec. 4, Rules 1-5, 6(b), 7-14
- Ch. 3, Sec. 5, Rule 1(b)
- Ch. 3, Sec. 6, Rules 6-8, 11-12, 17-19
- Ch. 3, Sec. 7, Rules 1-7
- Ch. 3, Sec. 8, Rules 3, 5-13
- Ch. 3, Sec. 9, Rule 1
- Ch. 3, Sec. 10, Rules 2-5
- Ch. 3, Sec. 11, Rule 1
- Ch. 3, Sec. 13, Rules 1, 2
- Ch. 5, Rules 1, 2

Part C - Grinding Code

- Ch. 1, Sec. 1, Rule 1
- Ch. 2, Sec. 1, Rule 2(a)
- Ch. 2, Sec. 2, Rules 1-7

Part D - Tunnel Code

- Ch. 1, Part 2, Rule 2
- Ch. 2, Part 1, Rules 1(a, k, l), 4-8, 12

Health and Safety Rules (cont.)

Part E - Paint Coating Code

Sec. 1, Rule 1

Sec. 2, Rules 2, 3(b-f), 4(b, c)

Sec. 3, Rule 2

Sec. 4, Rules 2, 3(b), 4, 7, 8, 11, 12(b,d)

Part F - Foundry Code

Sec. 1, Rule 1

Sec. 2, Rules 2(a,c), 3-5, 7(b,c,f,g,h), 8-31, 34,
39-48, 51-52, 54(b), 57-63, 64(b), 65(e,f),
68

Sec. 3, Rules 4, 6, 7(a-f; i-k), 9, 10(a,b,c)

Part G - Industrial Housekeeping & Sanitation Code

Sec. 2, Rules 3-5, 9

Sec. 3, Rules 1-3

Sec. 4, Rule 1

Sec. 5, Rules 3, 7

Sec. 6, Rules 3(a,d), 5, 8, 11

Sec. 7, Rules 2, 3, 4(b), 5-10

Sec. 8, Rules 2, 4-6

Sec. 9, Rules 2-4

Part H - Ladder Code (Generally covered by OSHA Standards)

Sec. 5, Rules 5(a), 6(a)

Part I - Scaffold and Hoisting Code

Sec. 3, Rules 1(h,i,l), 2(e,g,h), 4(b), 5(e,f,h)

Sec. 3, Rules 6(b), 8(c), 15(c,d), 16(d), 17(a,b)

Sec. 3, Rules 18(a,b), 20(b,e), 21(b,c,e,f,h)

Sec. 3, Rules 22(k,l), 23(d), 24(a,d,f)

Health and Safety Rules (cont.)

Part J - Labeling Code (Entire section applies to
Entire section applies to Illinois employers.
(To be retained)

Part K - Roofing Code
Entire section applies to Illinois employers.
(To be retained)

Part L - Welding Code
Ch. 2, Sec. 2, Rules 3(b), 4(a), 5(a,e, 1(2))
Ch. 2, Sec. 4, Rules 4, 5
Ch. 2, Sec. 5, Rule 8
Ch. 2, Sec. 7, Rules 4(c), 7
Ch. 3, Sec. 2, Rules 4-7
Ch. 5, Sec. 1, Rules 1, 2
Ch. 6, Sec. 2, Rules 1-13

Part M - Shoring of Trenches
Sec. 2, Rules 1, 2(a,b,c,f-j), 3(b,d,e,g), 4

Part N - Proximity to Overhead Power Lines -
Derricks and Cranes

Ch. 1, Sec. 4, 5
Ch. 2, Sec. 2, Rules 1(a-d), 3
Ch. 3, Sec. 2, Rules 2(d2), (d8), (e2), 5
Ch. 4, Sec. 2, Rules 1-4, 6-11, 12-14
Ch. 5, Rules 1, 2(a,b,c), 3(b,e,f,h), 4-6

Part O - Head and Hair Protection
Sec. 1, Rule 1
Sec. 2 and 5

Part P - Noise Exposure (abrogated)

Part Q - Power-Actuated Fastening Tools
(Not compared for Federal standards at this date)

COMPARISON of SAFETY AND HEALTH STANDARDS

Federal Occupational Safety and Health Standards for Which Illinois Standards Appear to be Superior to the Federal Standards

<u>Federal Occupational Safety & Health Standards</u>	<u>Illinois Health and Safety Rules or Laws</u>
1910.5(a)	<u>Part A, Ch. 1, Sec. 1</u> , which describes the application of the regulations in Illinois.
1910.25(c)(3)(v)(a)	<u>Part H, Sec. 5, Rules 5(a), 6(a)</u> which limit the length of trestle ladder sections to 16 ft. instead of 20 ft. for a steadier ladder under heavy weights.
1910.108(e)(2)(i)	<u>Part E, Sec. 4, Rule 2</u> , which limits exempt dip tanks to 6 sq. ft. of open surface instead of 10.
1910.111	Illinois Department of Agriculture Rules and Regulations relating to anhydrous ammonia—and liquid fertilizer solution, etc. OSHA standards that were not covered by the Illinois rules have been added to the new section, 1910.111.
1910.163(b)(3)	Illinois Department of Law Enforcement Rules and Regulations for Fire Prevention and Safety, Ch. 19, subparagraph <u>Alarm Sending Stations</u> calling for a manual alarm station every 100 ft. rather than every 200 ft. as in the OSHA standard.
1910.179(h)(2)(iii)(a)	<u>Part N, Ch. 5, Rule 2(c)</u> which requires three turns of rope to remain on a hoist drum when the hook is at its lowest position, rather than only two.

Federal OSHA Standards

Illinois Health and Safety Rules

1910.179(h)(2)(iv)

Part N, Ch. 5, Rule 3(b) which requires eye splices in cable be approved design. OSHA standard is reserved and allows any design.

1910.180(c)(2)

Part N, Ch. 4, Sec. 2, Rule 4, which gives detailed requirements for the loadchart instead of merely calling for a loadchart.

1910.180(i)(5)(i)

Part N, Ch. 4, Sec. 2, Rule 12 which specifies a minimum size for the fire extinguisher required.

1910.213(p)(3)

Part B, Ch. 3, Sec. 3, Rule 19 which gives more definite requirements for disc sander exhaust hood and guard.

1910.219(p)(2)(ii)

Part B, Ch. 2, Sec. 4, Rule 9 which gives minimum requirements for eliminating static belts.

1910.252(a)(6)(vi)(a)(6)

Part L, Ch. 2, Sec. 2, Rule 4(a) which has added rules for generators on roofs of multi-story buildings.

1910.252(a)(6)(vi)(b)

Part L, Ch. 2, Sec. 2, Rule 5(e) which specifies minimum ventilation for acetylene generator rooms or houses.

1910.252(f)(4)(i-iv)

Part L, Ch. 6, Sec. 2, Rule 13 which gives more detailed and definite rules for ventilating confined spaces during welding.

1910.264(c)(3)(ii)(a)

Part B, Ch. 3, Sec. 6, Rule 16 which specifies that guard cover ironers and the hood be exhausted to outdoors. Furthermore, it allows for special operation while rolls are being re-clothed.

1926.451(m)(3)

Part I, Sec. 3, Rule 6(b) which requires 6-1/2 ft. maximum spacing for brackets, rather than 8 ft.

1926.652(d)

Part M, Sec. 2, Rules 1, 2(a-c, f-j) which are more detailed specifications for satisfactory sheeting and piling materials.

I L L I N O I S S T A T E P L A N

With the enactment of the Williams-Steiger Occupational Safety and Health Act of 1970 (OSHA), signed on December 29, 1970 and effective April 28, 1971, the Federal government assumed the responsibility for the promulgation and the enforcement of occupational safety and health standards.

Although jurisdiction over occupational safety and health issues passed to the Federal government, it was the intent of the Act "to encourage the States to assume the fullest responsibility for the development and enforcement of a plan for occupational safety and health."

Section 18(h) of the Occupational Safety and Health Act provides that:

The State will be permitted to continue to enforce one or more occupational safety and health standards in effect in such State until final action is taken by the (U.S.) Secretary (of Labor) with respect to a plan submitted by a State under subsection (b) of this Section, or two years from the date of enactment of this Act, whichever is earlier.

On May 17, 1971, the State of Illinois entered into an interim agreement under OSHA Sec. 18(h) with the U. S. Secretary of Labor under which the State of Illinois continued to enforce all occupational safety and health standards and laws in effect in Illinois. Accordingly, the Illinois Department of Labor and the Illinois Industrial Commission were designated as the State agencies responsible for the development and administration of an Illinois State Plan for Occupational Safety and Health.

State Plan (cont.)

In developing a State Plan, it was necessary to adhere to certain criteria spelled out in regulations issued by the U. S. Secretary of Labor. These criteria were established in order to insure that State standards and State enforcement programs would be, and would continue to be, "at least as effective as" their Federal counterparts.

States must submit their plans to the U. S. Assistant Secretary of Labor for approval, with the Illinois State Plan submission expected in early December 1972. The deadline for submission and approval of a plan is December 28, 1972, after which time the State's enforcement activities would be preempted by the Federal government. However, under a rule proposed by the U. S. Assistant Secretary of Labor, temporary orders would be issued to extend the deadline date, if a plan has been submitted, until such a time that a plan is approved or one year, whichever is shorter. The effect of such an order would be to avoid preemption of State activities by the Federal government and to smooth the transition from Federal to State jurisdiction.

It is expected that beginning in 1973, Illinois will be operating under the State Plan provisions and will be enforcing the standards effective under the provisions of the Illinois Health and Safety Act and the Safety Inspections and Education Act, including rules and regulations issued in accordance with the provisions of these acts.

The Illinois Industrial Commission will be responsible for the development and promulgation of occupational safety and health standards. It will

State Plan (cont.)

also be charged with the duty of reviewing all appeals and notices of contest with regard to citations, penalties, and abatement periods. Petitions for permanent variances and contested temporary variances also will be handled by the Industrial Commission.

The Illinois Department of Labor is, primarily, the enforcement arm of the State for occupational safety and health and will be responsible for the inspection and investigation of workplaces, the issuance of citations and penalties for violation of standards, and the granting of temporary variances to employers. The Department of Labor also will be responsible for developing and conducting educational programs for employers and employees and for developing methods to encourage voluntary compliance with standards.

Even after approval of a State Plan by the U.S. Assistant Secretary of Labor, the Federal OSHA has provided for a program to evaluate a State's administration and enforcement of its plan to insure that it remains effective. This on-going evaluation will last for a period of three years during which time concurrent State-Federal jurisdiction will remain but with a decreasing level of Federal activity.

HEALTH AND SAFETY ACT

(Ill. Rev. Stat., Ch. 48, §§ 137.1-137.23)

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HEALTH AND SAFETY ACT

(Ill. Rev. Stat., Ch. 48, §§ 137.1-137.23)

AN ACT relating to the health and safety of persons employed, vesting in the industrial commission power to make reasonable rules relating thereto; providing for the enforcement thereof; and repealing certain Acts herein named.

Be it enacted by the People of the State of Illinois, represented in the General Assembly;

137.1 Industrial Commission to administer.)

Section 1. The industrial commission is hereby vested with the power and authority to administer the provisions of this Act.

137.2. Application of act.) Section 2.

This Act shall apply to all employers engaged in any occupation, business or enterprise in this State, and their employees, including the State of Illinois and its employees.

(a) Nothing contained in this Act shall be construed to apply to any work, employment or operations done, had or conducted by farmers and others engaged in farming, tillage of the soil or stock raising, or to those who rent, demise or lease land for any such purposes, or to anyone in their employ, or to any work done on a farm or country place, no matter what kind of work or service is being done or rendered.

HEALTH AND SAFETY ACT - Sec. 2(b)

(b) Nothing contained in this Act shall be construed to apply to employers and employees in the coal mining industry.

(Amended by P.A. 77-1644; effective Sept. 24, 1971)

137.3. Employer's duty — Employee's Duty
— Rules. Section 3.

(a) It shall be the duty of every employer under this Act to provide reasonable protection to the lives, health and safety and to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

(b) It shall be the duty of each employee under this Act to comply with occupational health and safety standards promulgated under this Act.

(c) It shall be the duty of every employer to keep his employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(d) It shall be the duty of every employer to furnish its employees with information regarding hazards in the workplace, including information about suitable precautions, relevant symptoms and emergency treatment.

(e) It shall be the duty of every employee to comply with such rules as are promulgated from time

HEALTH AND SAFETY ACT - Sec. 2(e)

to time by the Industrial Commission pursuant to this Act, which are applicable to his own actions and conduct.

(f) The industrial commission shall, from time to time, make, promulgate and publish such reasonable rules as will effectuate such purposes. Such rules shall be clear, plain and intelligible as to those affected thereby and that which is required of them, and each such rule shall be, by its terms, uniform and general in its application wherever the subject matter of such rule shall exist in any business, occupation or enterprise having employees.

(Amended by P.A.77-1901; effective July 1, 1972)

137.4. Rules regulating records on deaths, injuries and illness -- Confidentiality of reports -- Federal safety and health standards or rules -- Publication in Illinois Occupational Safety and Health Bulletin -- Variances -- Emergency temporary standards.
Section 4.

(a) The Industrial Commission shall prescribe rules requiring employers to maintain accurate records of and to make reports on, work-related deaths, injuries and illnesses, other than minor injuries requiring only first aid treatment which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. Such rules shall specifically include all of the reporting provisions of Section 6 of the Workmen's Compensation Act and Section 6 of the Workmen's Occupational Diseases Act.

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(b) Such records shall be available to the Director of Labor and his authorized representatives, and any other state agency requiring such information.

(c) All reports filed hereunder shall be confidential and any person having access to such records filed with the Industrial Commission as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or both.

(d) All federal occupational safety and health standards which the United States Secretary of Labor has heretofore promulgated, modified or revoked in accordance with the Federal Occupational Safety and Health Act of 1970, shall be and are hereby made rules of the Illinois Industrial Commission unless the Illinois Industrial Commission shall make, promulgate, and publish an alternate rule at least as effective in providing safe and healthful employment and places of employment as a federal standard.

All federal occupational safety and health standards which the United States Secretary

HEALTH AND SAFETY ACT - Sec. 4(d)

of Labor shall hereafter promulgate, modify or revoke in accordance with the Federal Occupational Safety and Health Act of 1970 shall become the rules of the Industrial Commission 60 days after their federal effective date, unless there shall have been in effect in this State at the time of the promulgation, modification or revocation of such rule an alternate State rule at least as effective in providing safe and healthful employment and places of employment as a federal standard. However, such rule shall not become effective until the following requirements have been met:

(1) The Industrial Commission shall within 45 days after the federal effective date of such rule, publish in the "Illinois Occupational Safety and Health Bulletin" the provisions of such rule and in addition thereto shall file with the office of the Secretary of State in Springfield, Illinois, a certified copy of such rule as provided in "An Act concerning administrative rules", approved June 14, 1951, as now or hereafter amended; or

(2) In the event of the Industrial Commission's failure to publish or file a certified copy with the Secretary of State, any resident of the State of Illinois may upon 5 days written notice to the Commission publish such rule in one or more newspapers of general circulation and file a certified copy thereof with the office of the Secretary of State in Springfield, Illinois, whereupon such rule shall become effective

HEALTH AND SAFETY ACT - Sec. 4(d)(2)

provided that in no event shall such effective date be less than 60 days after the federal effective date.

(e) Any employer may apply to the Industrial Commission or the Director of Labor for a temporary order granting a variance from a standard or any provision thereof promulgated under this Act. Such temporary order shall be granted only if the employer files an application which meets the requirements of paragraph (1) of subsection (e) of Section 4 of this Act and establishes that he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date; that he is taking all available steps to safeguard his employees against the hazards covered by the standard; and that he has an effective program for coming into compliance with a standard as quickly as practicable. Any temporary order issued under this Section shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing. However, in cases involving only documentary evidence in support of the application for a temporary variance and in which no objection is made or hearing requested by the employees or their representative, the Director of Labor may issue a temporary variance in accordance with this Act. In the event the

HEALTH AND SAFETY ACT - Sec. 4(e)

application is contested or a hearing requested, the application shall be heard and determined by the Industrial Commission. No order for a temporary variance may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice, so long as the requirements of this paragraph are met and if an application for renewal is filed at least 90 days prior to the expiration date of the order.

(e) (1) An application for a temporary order as herein provided shall contain:

a. a specification of the standard or portion thereof from which the employer seeks a variance;

b. a representation by the employer, supported by representations from qualified persons having first-hand knowledge of the facts represented, that he is unable to comply with a standard or portion thereof and a detailed statement of the reasons therefor;

c. a statement of the steps he has taken and will take (with specific dates) to protect employees against a hazard covered by the standard;

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d. the date by which he expects to comply with the standard and what steps he has taken and will take (with dates specified) to comply with the standard; and

e. a certification that he has informed his employees of the application by giving a copy thereof to their authorized representatives, posting a statement summarizing the application and specifying where employees may examine a copy of such application.

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Industrial Commission for a hearing.

(e) (2) The Industrial Commission is authorized to grant a variance from any standard or portion thereof whenever the Industrial Commission or the Director of Labor determines that such variance is necessary to permit an employer to participate in an experiment approved by the Industrial Commission or the Director of Labor designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(f) Any affected employer may apply to the Industrial Commission for a rule or order for a variance other than a temporary variance from a standard promulgated under this Act. Affected

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employees shall be given notice of each such application and an opportunity to participate in a hearing. The Industrial Commission shall issue such rule or order if it determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, the Director of Labor, or the Industrial Commission on its own motion, in the manner prescribed for its issuance under this Section at any time after 6 months from its issuance.

(g) The Industrial Commission may promulgate emergency temporary standards or rules to take effect immediately by filing such rule or rules with the Illinois Secretary of State and publishing them in the "Illinois Occupational Safety and Health Bulletin" or if that is not available, in one or more newspapers of general

HEALTH AND SAFETY ACT - Sec. 4(g)

circulation providing that the Industrial Commission shall first expressly determine (1) that the employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (2) that such emergency standard is necessary to protect employees from such danger.

Such temporary emergency standard shall be effective until superseded by a permanent standard but in no event for more than six months from the date of its publication.

The publication of such temporary emergency standard shall be deemed to be a petition to the Industrial Commission for the promulgation of a permanent standard and shall be deemed to be filed with the Industrial Commission on the date of its publication and proceedings for the permanent promulgation of the rule shall be pursued in accordance with the provisions of subsection (a) of this Section.

(h) Any standard promulgated under this Act shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable

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protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for a monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure.

(Amended by P.A.77-1901, effective July 1, 1972)

137.5. Effect of rules.) Section 5.

Such rules of the industrial commission shall have the force and effect of law.

137.6. Occupational Safety and Health Advisory Committee.) Section 6.

(a) The Governor shall appoint an Occupational Safety and Health Advisory Committee to consider existing State safety and health standards and suggest rules or changes including any proposed alternative State rules to Federal occupational safety and health standards which become effective. The Chairman of the Occupational Safety and Health Advisory Committee shall be appointed by the Governor. The Chairman of the Illinois Industrial Commission and

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the Director of the Illinois Department of Labor, or their representatives, shall serve as ex officio members.

(b) The Occupational Safety and Health Advisory Committee shall be comprised of five recognized representatives of labor, five recognized representatives of management, and five public members who are recognized as experienced in the field of safety and health.

(c) Members of the committee shall serve for a term of three years and shall meet during each year of their appointment as frequently as the committee shall deem necessary. Members of the Occupational Safety and Health Committee shall receive travel and other expenses reasonably incurred in performance of their responsibilities as committee members.

(d) All proposed rule changes, modifications, or revocations pursuant to this Act shall be referred to the Health and Safety Advisory Committee.

(e) The Occupational Safety and Health Advisory Committee shall prepare and submit an annual report of their activities to the Illinois Industrial Commission for its considerations, which report shall include all proposals for rules or changes which have been submitted and all recommendations which the committee shall adopt.

(Amended by P.A.77-1901, effective July 1, 1972.)

HEALTH AND SAFETY ACT - Sec. 7

137.7. Modification of rules.) Section 7.

The industrial commission may, on its own initiative, or upon written petition, or upon the annual report of the Occupational Safety and Health Advisory Committee, make, modify or repeal any rule or rules as provided in this Act, conforming with the procedure prescribed in this Act.

(Amended by P.A.77-1644; effective Sept. 24, 1971)

137.7-01. Hearings — Institution.) Sec. 7.01.

If the industrial commission resolves to institute such proceedings on its own initiative, it shall pass a resolution stating in simple terms the subject matter and purpose of such hearing, and shall place such resolution on file, and the matter shall proceed to hearing and disposition upon such resolution as hereinafter provided.

(Added by act approved September 7, 1967)

137.7-02. Petition for hearing.) Section 7.02.

Every petition for hearing upon rules filed with the industrial commission shall state, in simple terms, the subject matter and purpose for which such hearing is requested. Such petition shall be signed by 5 employees or 5 employers, or by a majority of employers, in a specified industry. When such a petition is filed, the matter shall proceed to hearing and disposition upon such petition as hereinafter provided.

(Added by act approved September 7, 1967)

HEALTH AND SAFETY ACT - Sec. 7.03

137.7—03. Joint hearings.) Section 7.03.

The industrial commission may, on its own motion, or the motion of any interested party, consolidate for joint hearing and joint disposition, any number of pending resolutions and petitions on related subject matters, but the provisions of this Act as to notice of hearing shall be complied with as to each petition or resolution so consolidated.

(Added by act approved September 7, 1967)

137.7—04. Public hearing — Time.) Section

7.04. When the industrial commission on its own initiative determines to consider any rule or rules, or when such a petition is filed, the commission shall set a date for a public hearing on such cause, not less than 30 nor more than 90 days after the date of the passage of the resolution by the Commission of its intention to proceed on its own initiative, or after the filing of a petition, as the case may be.

(Added by act approved September 7, 1967)

137.7—05. Notice of hearing). Section 7.05.

Notice of such hearing shall be given at least 30 days prior to the date of the hearing by publication in a newspaper of general circulation within the county in which the hearing is to be held, and by mailing notice thereof to any employer, and to any association of employers and to any association of employees who have filed with the industrial commission their names and addresses, requesting notice of such hearings, and stating

HEALTH AND SAFETY ACT - Sec. 7.05

the particular industry or industries concerning which they desire such notice. The notice of hearing shall state the time, place and subject matter of the hearing.

(Added by act approved September 7, 1967)

137.7--06. Place and conduct of hearings.)
Section 7.06. Hearings shall be held in places reasonably convenient to the persons affected.

At any such hearing, any interested party may submit any evidence pertinent to the subject matter of the hearing.

The Industrial commission or any member thereof may administer oaths in connection with any proceeding under this Act.

(Added by act approved September 7, 1967)

137.7--07. Written decision--Distribution.) Sec. 7.07
Upon the conclusion of the hearing, the industrial commission shall enter in writing, its decision upon the subject matter of such hearing. Copies of the decision shall be mailed to interested parties whose names are on file with the commission, as hereinbefore provided, and a certified copy thereof shall be filed in the office of the Secretary of State at Springfield.

(Added by act approved September 7, 1967)

HEALTH AND SAFETY ACT - Sec. 7.08

137.7—08. Modification, correction or vacation of decision—Objections.) Section 7.08.

Within 30 days after the entry of a decision, rule or rules by the industrial commission, the commission may correct, modify or vacate such decision, rule or rules of its own motion, or upon written objection. Within such 30 days, any person affected thereby may object in writing to the decision, rule or rules entered by the industrial commission, stating the specific grounds of his objection. The commission, in its discretion, may or may not act upon said objection.
(Added by act approved September 7, 1967)

137.7—09. Court review — Time — Service.) Section 7.09. Any person affected thereby, whether or not such person participated in the previous proceedings, may within 90 days after a decision, rule or rules is entered by the industrial commission, file a praecipe for a writ of certiorari in the circuit court of the county in which the subject matter of the hearing is situated, or, if the subject matter is situated in more than one county, then in any one of such counties for the purpose of having the reasonableness or lawfulness of the decision, rule or rules reviewed.

Upon filing of such praecipe, writ of certiorari shall issue directed to the industrial commission, returnable on a designated return date not less than 10 nor more than 60 days from the issuance thereof.

HEALTH AND SAFETY ACT - Sec. 7.09

The person or the parties filing the praecipe for writ of certiorari, or other interested parties, shall, on or before the return date as fixed, file in the office of the clerk of the court out of which said writ issued, specific grounds of objection to the particular decision, rule or rules sought to be reviewed.

Service of such writ of certiorari shall be had by serving a copy upon any member of the industrial commission or its secretary, which service shall be service upon the commission.
(Added by act approved September 7, 1967)

137.7-10. Certification of record — Transcript.) Section 7.10. The commission shall certify the record of the proceedings to the court. For the purpose of a writ of certiorari, the record of the industrial commission shall consist of a transcript of all testimony taken at the hearing, together with all exhibits, or copies thereof, introduced in evidence, and all information secured by the industrial commission on its own initiative which was introduced in evidence at the hearing; a copy of the resolution or petition filed with the commission which initiated the investigation, and a copy of the decision filed in the cause, together with all objections filed with the industrial commission, if any.
(Added by act approved September 7, 1967)

HEALTH AND SAFETY ACT - Sec. 7.11

137.7—11. Order on appeal.) Section 7.11.

On such certiorari proceedings, the court may confirm or reverse the decision as a whole, or may reverse and remand the decision as a whole, or may confirm any of the rules contained in such decision, and reverse or reverse and remand with respect to other rules in said decision. The order of the court shall be a final and appealable order except as to such portion of the decision of the commission, or as to such rule or rules therein as may be remanded by the court.

The purpose of any such remanding order shall be for the further consideration of the subject matter of the particular decision, rule or rules remanded.

(Added by act approved September 7, 1967)

137.7—12. Scope of review.) Section 7.12.

No new or additional evidence may be introduced in the court in such proceeding but the cause shall be heard on the record of the industrial commission as certified by it. The court shall review all questions of law and fact presented by such record, and shall review questions of fact in the same manner as questions of fact are reviewed by the court on certiorari proceedings under the Workmen's Compensation Act.

(Added by act approved September 7, 1967)

HEALTH AND SAFETY ACT - Sec. 7.13.

137.7—13. Jurisdiction.) Section 7.13. The court first acquiring jurisdiction by virtue of the filing of a praecipe for writ of certiorari seeking to review any decision, rule or rules of the industrial commission, shall have and retain jurisdiction of such review and of all other reviews from the same decision, rule or rules until such review is disposed of in said court.
(Added by act approved September 7, 1967)

137.7—14. Intervention.) Section 7.14. Any person who subsequently, and within the time herein provided, has filed praecipe for writ of certiorari, may intervene in said original cause in whatever county it may be pending by making a proper showing.
(Added by act approved September 7, 1967)

137.7—15. Subsequent returns — Intervenors.) Section 7.15. The industrial commission, in making return to any writ of certiorari where praecipe is filed subsequent to the first praecipe involving the same subject matter, shall file as its return, a statement that the record has theretofore been filed, or is about to be filed, in response to the first praecipe theretofore filed.

At the time of making such subsequent return, the industrial commission shall mail to the attorneys whose names appear on the writ as

HEALTH AND SAFETY ACT - Sec. 7.15

attorneys for the petitioner therein, a true copy of such return filed with the court, which return shall state the county in which the first praecipe has been filed, the title and number of the case, and the return date of the first writ of certiorari. Any party filing such subsequent praecipe for writ of certiorari may intervene in the original proceeding or shall be foreclosed by the decision thereon.

Such intervenor shall be a party to the proceeding to the same extent as the party who had filed the first praecipe, and may raise any additional question with respect to the subject matter by filing his specific objections in the court within such time as the court may direct.

(Added by act approved September 7, 1967.)

137.7-16. Appeal.) Section 7.16. Appeals from all final orders and judgments entered by the court in review of the decision, rule or rules of the industrial commission, may be taken as authorized by Sections 5 and 7 of Article VI of the Constitution by either party to the action within 45 days after the entry of the order of the court.

Appeals shall be in the manner provided by law for other civil cases.

(Added by act approved September 7, 1967)

HEALTH AND SAFETY ACT - Sec. 7.17

137.7—17. Priority in hearing.) Section 7.17. Any proceeding in any court affecting a decision, rule or rules of the industrial commission, shall have priority in hearing and determination over all other civil proceedings except election contests.

(Added by act approved September 7, 1967)

137.7—18. Representation by attorney general.) Section 7.18. In all reviews or appeals under this Act, it is the duty of the Attorney General to represent the industrial commission and defend its decisions and rules.

(Added by act approved September 7, 1967)

137.8. Effective date of rules.) Section 8. The Industrial Commission shall, in its decision, rule or rules, fix the effective date thereof; provided, no such decision, rule or rules shall become effective until 90 days after the entry thereof by the Industrial Commission, nor shall any such decision, rule or rules become effective during the pendency of any proceedings for review or appeal thereof instituted pursuant to the provisions of this Act in which case such decision, rule or rules shall not become effective until such review or appeal, including appeal to the Supreme Court, if any, has been disposed of by final order and the mandate shall have been filed with the Industrial Commission, and until a period of time has elapsed

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after the filing of such mandate equal to the period of time between the date of the entry of such decision, rule or rules by the Industrial Commission and the effective date as originally fixed by said Commission.
(Amended by P.A. 77-1901; effective July 1, 1972)

137.9. Practice and procedure.) Section 9. The industrial commission shall make and publish rules as to its practice and procedure in carrying out the duties imposed upon it by this Act, which rules shall be deemed prima facie, reasonable and valid.

137.10. Securing information — Inspection of premises.) Section 10. The owner, operator, manager or lessee of any place affected by the provisions of this Act and his agent, superintendent, subordinate or employee, and any employer affected by such provisions, shall, when requested by the industrial commission or any duly authorized agent thereof, furnish any information in his possession or under his control, which the industrial commission is authorized to require; shall answer truthfully all questions required to be put to him; shall admit any member of the Industrial commission or its duly authorized representative to any place of employment which is affected by the provisions of this Act for the purpose of making inspection, and shall cooperate in the making of a proper inspection.

HEALTH AND SAFETY ACT - Sec. 11

137.11. Issuance of subpoenas — Testimony.)

Section 11. The industrial commission or any member thereof shall have power:

(a) To issue subpoenas for and compel the attendance of witnesses and the production of pertinent books, papers, documents or other evidence.

(b) To hear testimony and receive evidence and to take or cause to be taken, depositions of witnesses residing within or without this State in the manner prescribed by law for depositions in civil cases in the circuit court. Subpoenas and commissions to take testimony shall be under seal of the industrial commission.

(c) Service of subpoenas may be made by any sheriff or any other person. The circuit court for the county where any hearing is pending, or any judge thereof, upon application of the industrial commission, or any member thereof, may, in his discretion, compel the attendance of witnesses, the production of pertinent books, papers, records or documents and the giving of testimony before the industrial commission or any member thereof, by an attachment proceedings, as for contempt, in the same manner as the production of evidence may be compelled before the court.

(As amended by act approved September 7, 1967)

HEALTH AND SAFETY ACT - Sec. 12

137.12. Annual report.) Section 12. The industrial commission shall ~~make~~ an annual report of its work under the provisions of this Act to the Governor on or before the first day of February of each year; and a biennial report to the Legislature on or before the first day of February of each odd-numbered year.

137.13. Action in name of industrial commission.) Section 13. All notices, orders, decisions, rules and other official action shall be in the name of the industrial commission.

137.14. Records of proceedings.) Section 14. The industrial commission shall keep a full and complete record of all proceedings had before it or any member thereof, and all testimony shall be taken by a stenographer appointed by the industrial commission. The commission shall also keep records which will enable any employer, employee or their agents, to determine all action taken by the industrial commission with respect to the subject matter in which such employer and employee is interested. All such records shall be open to public inspection.

137.15. Publication of rules.) Section 15. At least once each year, the industrial commission shall publish, in printed form, all of its rules made pursuant to Section 4 of this Act which are in full force and effect at the time of such publication.

HEALTH AND SAFETY ACT - Sec. 16

137.16. Record on return to writ of certiorari.)
Section 16. The record required to be furnished by the industrial commission as a return to the writ of certiorari shall be furnished by the industrial commission without cost. In any appeal from the decision of the circuit court to the Supreme Court under this Act, the clerk of such circuit court in making up the record for use in the Supreme Court, shall incorporate therein the original transcript filed by the industrial commission in such circuit court as a return to writ of certiorari, in lieu of a copy thereof.
(As amended by act approved August 24, 1965)

137.17 Enforcement of rules.) Section 17.
(a) It shall be the duty of the department of labor to enforce the rules of the industrial commission promulgated by virtue of this Act.

(b) Any employers or employees or representatives of them who believe that a violation of a safety or health standards exist that threatens physical harm, or that an imminent danger exists, upon which the Department of Labor has failed to issue a notice of violation or take another enforcement action within a reasonable time after a complaint has been made to the Department of Labor may request a hearing before the Industrial Commission

HEALTH AND SAFETY ACT - Sec. 17

by filing a written petition, setting forth the details and providing a copy to the employer or his agent and the Department of Labor. The Attorney General or states attorney upon request of the Industrial Commission shall prosecute any violation of any law which probable cause shall be determined to exist after hearing on the aforesaid petition..

(Amended by P.A.77-1901;effective July 1, 1972)

137.18. Violation of rules.) Section 18.

Repealed by P.A.77-1644, Section 2, effective September 24, 1971.

137.19. Title of act.) Section 19. This

Act shall be known and may be cited as the "Health and Safety Act."

137.20. Acts repealed — Rules of Industrial Commission.) Section 20. That "An Act to provide for the health, safety and comfort of employees in factories, mercantile establishments, mills and workshops in this State, and to provide for the enforcement thereof, and to repeal an Act entitled, 'An Act to provide for the health, safety and comfort of employees in factories, mercantile establishments, mills and workshops in this State, and to provide for the enforcement thereof,' approved June 4, 1909," approved June 29, 1915, as amended, be and the same hereby

HEALTH AND SAFETY ACT - Sec. 20

is repealed, such repeal to take effect March 1, 1938. If, however, the Industrial Commission shall make any rules pursuant to Section 4 of this Act, and it is designated in such rule that it is to replace any section or part of the said Act, and such rule becomes effective prior to March 1, 1938, then such section or part of the said Act shall replace such provision of the statute designated in such rule upon the effective date of said rule of the Industrial Commission, and that Section 4 of "An Act in relation to employments creating poisonous fumes or dust in harmful quantities, and to provide for the enforcement thereof," approved June 29, 1915, be and the same hereby is repealed, such repeal to take effect October 1, 1936: and the "An Act providing for the reporting, compiling and publishing of information concerning accidents to and deaths by accidents of employes," approved May 24, 1907, be and the same hereby is repealed, such repeal to take effect upon the passage of this Act.

(As amended by act filed July 13, 1937)

137.21 Existing rights saved.) Section 21.
No repeal of any act herein contained shall extinguish or in any way affect any right of action thereunder, existing at the time this Act takes effect.

HEALTH AND SAFETY ACT - Sec. 22

137.22. Confidentiality of trade secrets.)

Section 22. All information reported to or otherwise obtained by the Director of Labor or his authorized representative or by the Industrial Commission in connection with any inspection or proceeding under this Act or "An Act in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named", approved July 18, 1955, as amended which contains or might reveal a trade secret shall be considered confidential, except that such information may be disclosed confidentially to other officers or employees concerned with carrying out this Act or "An Act in relation to safety inspection and education in industrial and commercial establishments and to repeal an Act therein named," or when relevant to any proceeding under this Act. In any such proceeding, the Director of Labor the Industrial Commission, or the court shall issue such orders as may be appropriate, including the impoundment of files, or portions of files, to protect the confidentiality of trade secrets.

(Added by P.A. 77-1901; effective July 1, 1972)

137.23. Workmen's Compensation and Occupational Diseases and common law rights of action not superseded. Section 23. Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation or occupational diseases law or any other common

HEALTH AND SAFETY ACT - Sec. 23

law or statutory rights, duties or liabilities, or create any private right of action.

(Added by P.A. 77-1901; effective July 1, 1972)

APPROVED March 16, 1936. As amended by act filed July 13, 1937, and Acts approved July 11, 1941, August 24, 1965, and September 7, 1967; and P.A.77-1644, effective September 24, 1971, and P.A.77-1901, effective July 1, 1972.

**SAFETY INSPECTIONS AND EDUCATION IN
INDUSTRIAL AND COMMERCIAL ESTABLISHMENTS ACT**
(Ill. Rev. Stat., Ch. 48, §§ 59.1-59.11)

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AN ACT in relation to safety inspections and
education in industrial and commercial estab-
lishments and to repeal an Act therein named.

Be it enacted by the People of the State of
Illinois, represented in the General Assembly:

SAFETY INSPECTIONS AND EDUCATION ACT
(111. Rev. Stat., Ch. 48, §§59.1-59.11)

59.1. Safety inspection and education division.)

SECTION 1. The Department of labor, hereinafter called the Department, shall, for the purpose of administering the provisions of this Act, maintain a division to be known as the Division of Safety Inspection and Education, hereinafter called the Division.

(As amended by Act approved July 28, 1961.)

59.2. Powers and duties of division — Right of entry — Inspection authority — Employer to furnish information — Right of employer and employee representatives to accompany — Advance notice inspection prohibited — Citation for violations — Penalties assessed — Appeals — Hearings — Judicial review — Employee discrimination remedy — Imminent danger — Safety education — Rules and regulations — Trade secrets — Fines.

Section 2. (a) The Department, through the employees of the Division shall enforce the rules promulgated under the Health and Safety Act and any occupational health and safety laws relating to inspection of places of employment, and shall visit and inspect, as often as practicable, the places of employment covered by this Act.

(b) The Director of Labor and his authorized representatives upon presenting appropriate credentials to the owner, operator or agent in charge is authorized to have the right of entry and inspections of all places of all employment in the State as follows:

SAFETY INSPECTIONS ACT Sec. 2(b)

1. To enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer in order to enforce such occupational safety and health standards;

2. To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

3. The owner, operator, manager or lessees of any place affected by the provisions of this Act and his agent, superintendent, subordinate or employee, and any employer affected by such provisions shall when requested by the Division of Safety Inspection and Education, or any duly authorized agent thereof, furnish any information in his possession or under his control which the Department of Labor is authorized to require, and shall answer truthfully all questions required to be put to him, and shall cooperate in the making of a proper inspection.

4. Subject to regulations issued by the Director of Labor, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Director of Labor or his authorized representative

SAFETY INSPECTIONS ACT Sec. 2(b) 4

during the physical inspection of any workplace under this Section for the purpose of aiding such inspection. Where there is no authorized employee representative the Director or his authorized agent shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(c) Any person who shall give advance notice of any inspection to be conducted under the authority of this Act without authority from the Director of Labor, or his authorized representative, upon conviction, shall be guilty of a Class B misdemeanor. 1/

(d) 1. If, upon inspection or investigation, the Director of Labor or his authorized representative believes that an employer has violated a requirement of Section 3 of the Health and Safety Act, or a standard, rule, regulation or order promulgated pursuant to this Act or the Health and Safety Act, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing; describe with particularity the nature of the violation and include a reference to the provision of the Act, rule, regulation, or order alleged to have been violated; and fix a reasonable time for the abatement of the violation.

2. Citations shall be served on the employer, owner, operator, manager, or agent by delivering an exact copy to the person upon whom the service

1/ For definition of Class B misdemeanor, see page 45.

SAFETY INSPECTIONS ACT Sec. 2(d) 2

is to be had, or by leaving a copy at his usual place of business or abode, or by sending a copy thereof by registered mail to his place of business.

3. Each citation issued under this Section, or a copy or copies thereof, shall be prominently posted as prescribed in regulations issued by the Director of Labor at or near the place the violation occurred.

4. No citation may be issued under this Section after the expiration of 6 months following the occurrence of any violation.

5. If, after an inspection, the Director of Labor issues a citation, he shall within 5 days after the issuance of said citation, notify the employer by certified mail of the penalty, if any, proposed to be assessed for the violation set forth in the citation.

6. If the Director of Labor has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, the Director of Labor shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed by reason of such failure.

7. Civil penalties under paragraphs A., B., C. and D. may be assessed by the Director of Labor as part of the citation procedure as follows:

SAFETY INSPECTIONS ACT Sec. 2(d) 7A

7.A. Any employer who has received a citation for violations of any standard, or rule, or order not of a serious nature may be assessed a civil penalty of up to \$1,000 for each such violation.

B. Any employer who has received a citation for a serious violation of any standard, or rule, or order shall be assessed a civil penalty up to \$1,000 for each such violation.

C. Any employer who fails to correct a violation for which a citation has been issued within the period permitted may be assessed a civil penalty of up to \$1,000 for each day the violation continues.

D. Any employer who willfully or repeatedly violates the requirements of any standard, or rule, or order may be assessed a civil penalty of not more than \$10,000.

For purposes of this Section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not know and could not with the exercise of reasonable diligence, have known of the presence of the violation as specifically determined.

8. An employer, firm or corporation, or an agent, manager or superintendent or a person for

SAFETY INSPECTIONS ACT Sec. 2(d)8

himself, or for other such person, firm or corporation, after receiving a citation, a proposed assessment of penalty, or a notification of failure to correct violation from the Director of Labor or his authorized agent that he is in violation of this Act, or of any occupational safety or health standard or rule, may within 15 working days of receipt of such citation request in writing a hearing before the Industrial Commission for an appeal from the citation order.

Any employee or representative of employee may within 15 working days of the issuance of a citation file a request in writing for a hearing before the Industrial Commission for an appeal from the citation on the ground that the period of time fixed in the citation for the abatement of the violation is unreasonable.

The Industrial Commission shall schedule a hearing within 15 calendar days after receipt of such request for an appeal from the citation order and shall notify all interested parties of such hearing. Such hearing shall be held no later than 45 calendar days after the date of receipt of such appeal request.

The Industrial Commission shall afford a hearing to the employer or his representatives, at which hearing the employer shall state his objections to such citation and provide evidence why such citation shall not stand as entered. The Director of Labor or his representative shall be

SAFETY INSPECTIONS ACT Sec. 2(d) 8

given the opportunity to state his reasons for entering such violation citation. Affected employees shall be provided an opportunity to participate as parties to hearings under the rules of procedure prescribed by the Industrial Commission.

The Industrial Commission in consideration of the evidence presented at the hearing shall in accordance with its rules enter a final decision and order no later than 15 calendar days after such hearing affirming, modifying or vacating the Director's citation or proposed penalty, or directing other appropriate relief.

Any party adversely affected by a final violation order or determination of the Industrial Commission may obtain judicial review by filing a petition for review within 35 days after the entry of the order or other final action complained of, pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, all amendments and modifications thereof, and the rules adopted pursuant thereto.

If no appeal is taken within 35 days the order of the Industrial Commission shall become final.

Judicial reviews filed under this Section shall be heard expeditiously.

9. A. No person shall discharge or in any way discriminate against any employee because such employee has filed a complaint or instituted or

SAFETY INSPECTIONS ACT Sec. 2(d) 9

caused to be instituted any proceeding under or related to this Act or the Health and Safety Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act or the Health and Safety Act.

9. B. Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this Section may, within 30 calendar days after such violation occurs, file a complaint with the Director of Labor alleging such discrimination. A copy of this complaint shall be filed with the employer involved at the same time. Upon receipt of such complaint, the Director of Labor shall cause such investigation to be made as he deems appropriate. If after such investigation, the Director of Labor determines that the provisions of this Section have been violated, he shall, within 120 days after receipt of said complaint, bring an action in any appropriate circuit court against such person. In any such action, the circuit courts of Illinois shall have jurisdiction to restrain violations of this Section and order all appropriate relief, including rehiring, or reinstatement of the employee to his former position with back pay, after taking into account any interim earnings of the employee.

C. Within 90 days of the receipt of a complaint filed under this Section, the Director of Labor shall notify the complainant of his determination under subparagraph 9B. of this Section.

SAFETY INSPECTIONS ACT Sec. 2(e)

(e) Whenever the Director is of the opinion that imminent danger exists in the working conditions of any employee in this State, which condition can reasonably be expected to cause death or serious physical harm, the Director may petition the circuit court for appropriate relief against an employer and employee, including an order directing the employer or employee to cease and desist from the practice creating the imminent danger.

(f) The Department through the employees of the Division shall foster and promote safety practices.

(g) The Department shall encourage employers and organizations and groups of employees to institute and maintain safety education programs for employees and promote the observation of safety practices. The Department may furnish safety education material and literature and may advise and cooperate with employers and organizations and groups of employees in the conduct of safety education programs and in the observation of safety practices. The Department shall through the Division enforce the provisions of this Act, and any other law relating to the inspection of places of employment in the State.

The Director of labor may adopt such rules and regulations as may deem necessary to implement the provisions of this Act, including rules and regulations dealing with the inspection of an employer's establishment. The Industrial Commission may adopt rules and procedures governing its

SAFETY INSPECTIONS ACT Sec. 2(g)

functions under this Act, including, but not limited to, the designation of proper parties, pleadings, notice, discovery, the issuance of subpoenas, transcripts, and oral argument.

All information reported to or otherwise obtained by the Director of Labor or his authorized representative or by the Industrial Commission in connection with any inspection or proceeding under this Act or the Illinois Health and Safety Act, which contains or might reveal a trade secret shall be considered confidential, except that such information may be disclosed confidentially to other officers or employees concerned with carrying out this Act or the Illinois Health and Safety Act or when relevant to any proceeding under this Act. In any such proceeding, the Director of Labor the Industrial Commission, or the court shall issue such orders as may be appropriate, including the impoundment of files, or portions of files, to protect the confidentiality of trade secrets.

The Commission may delegate to one of its members or its other personnel, including its arbitrators, the function of hearing evidence in disputed matters.

(h) Any employer who willfully violates any standard or rule, or order and that violation caused death to any employee, upon conviction, shall be guilty of a Class 4 felony.^{1/}

^{1/}. See Unified Code of Corrections for classification of offenses. For a Class 4 felony, see page 45.

SAFETY INSPECTIONS ACT Sec. 2(h)

(i) Whoever knowingly makes a false statement, representation, or certification in any application, record, report, plan or other document required pursuant to this Act shall be guilty of a Class 4 felony.^{1/}
(Amended by P.A. 77-1899, effective July 1, 1972; and P.A. 77-2631, effective January 1, 1973.)

59.3. Advisory Committee — Appointment — Chairman — Ex officio members.)

Section 3. The Governor shall appoint a Safety Inspection and Education Advisory Committee to consider existing state safety and health inspections, enforcement and education practices and suggest changes. The Chairman of the Safety Inspections and Education Advisory Committee shall be appointed by the Governor. The Director of the Illinois Department of Labor and the Chairman of the Illinois Industrial Commission, or their representatives, shall serve as ex officio members.
(Amended by P.A. 77-1801; effective January 4, 1972.)

59.4. Qualifications of members.)

Section 4. The Safety Inspections and Education Advisory Committee shall be comprised of five recognized representatives of management, five recognized representatives of labor, and five public

^{1/} See Unified Code of Corrections classification of offenses.
For a Class 4 felony, see page 45.

SAFETY INSPECTIONS ACT Sec. 4

members who are recognized as experienced in the field of safety and health inspections.

(Amended by P.A. 77-1801; effective January 4, 1972.)

59.5. Terms of members — Expenses.)

Section 5. Members of the committee shall serve for a term of three years and shall meet during each year of their appointment as frequently as the committee shall deem necessary. Members of the Safety Inspection and Education Advisory Committee shall receive travel and other expenses reasonably incurred in performance of their responsibilities as committee members.

(Amended by P.A. 77-1801; effective January 4, 1972.)

59.6. Annual report of Advisory Committee.)

Section 6. The Safety Inspections and Education Advisory Committee shall prepare and submit an annual report of their activities to the Illinois Department of Labor for its consideration.

(Amended by P.A. 77-1801; effective January 4, 1972.)

59.7. Employment — Laws governing.)

Section 7. Employees in the Division shall be employed subject to the provisions of the Personnel Code and "An Act to define and regulate participation in politics, political management or political campaigns by merit employees of the State."

(As amended by Act approved July 28, 1961.)

59.8. Prosecution for violations—Pre-requisite.)

Section 8. Before any prosecution is instituted based upon the laboratory findings of any industrial

SAFETY INSPECTIONS ACT Sec. 8

hygiene unit of the Department, any person dissatisfied with such findings shall be entitled to have an independent review thereof made.

The Attorney General and state's attorneys, upon request of the Department, shall prosecute any violation of any law which the Department has the duty to administer and enforce.

(Amended by P.A. 77-1899; effective July 1, 1972.)

59.9. Annual reports to Governor.)

Section 9. The Director of Labor shall, in the annual report to the Governor required by "The Civil Administrative Code of Illinois," report the result of inspections and investigations made of such establishments, together with such other information and recommendations as he deems proper.

(As amended by Act approved July 28, 1961.)

59.10. Fines to be deposited in general revenue fund. Section 10. All fines collected pursuant to this Act shall be deposited in the general revenue fund of the State of Illinois.

(Added by P.A. 77-1899; effective July 1, 1972.)

59.11. Workmen's compensation and occupational diseases laws and common law rights of action not superseded. Section 11. Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation or occupational diseases law or any other common law or statutory rights, duties or liabilities, or create any private right of action. (Added by P.A. 77-1899; effective July 1, 1972.)

APPROVED July 18, 1955. As amended by Acts approved July 28, 1961: P.A. 77-1801, app. Jan. 4, 1972; P.A. 77-1899, app. July 1, 1972; P.A. 77-2631, effective Jan. 1, 1973.

ILLINOIS UNIFIED CODE OF CORRECTIONS ^{1/}(PA. 77-2097)
CLASSIFICATION of OFFENSES ^{2/}(Eff. 1/1/73)

Classification

CLASS A MISDEMEANOR - Imprisonment in other than penitentiary:
Up to 1 year Fine: Not to exceed \$1,000

CLASS B MISDEMEANOR - Imprisonment in other than penitentiary:
Up to 6 months Fine: Not to exceed \$500

CLASS C MISDEMEANOR - Imprisonment in other than penitentiary:
Up to 30 days Fine: Not to exceed \$500

PETTY OFFENSE - Imprisonment: None
Fine: Not to exceed \$500 (If \$100 or less—state amount in statute. If over \$100, do not.)

BUSINESS OFFENSE - Imprisonment: None
Fine: Over \$500; Amount stated in offense.

— — — — —
MURDER - Death; or imprisonment in penitentiary:
Minimum: 14 years—Maximum: No limit; Parole term: 5 years

CLASS 1 FELONY - Imprisonment in penitentiary:
Minimum: 4 years; Maximum: No limit; Parole term: 5 years
Fine: \$10,000 or greater amount stated in offense.

CLASS 2 FELONY - Imprisonment in penitentiary:
Minimum: 1 year; Maximum: 20 years; Parole term: 3 years
Fine: \$10,000 or greater amount stated in offense.

CLASS 3 FELONY - Imprisonment in penitentiary:
Minimum: 1 year; Maximum: 10 years; Parole term: 3 years
Fine: \$10,000 or greater amount stated in offense.

CLASS 4 FELONY - Imprisonment in penitentiary:
Minimum: 1 year; Maximum: 3 years; Parole term: 2 years
Fine: \$10,000 or greater amount stated in offense.

— — — — —
PROBATION: - Felony: Up to 5 years
- Misdemeanor: Up to 2 years
- Petty or Business Offense: Up to 1 year

1/ Ill. Rev. Stat., Ch. 38, §§ 1001-1-1 thru 1008-6-1.

2/ Ill. Rev. Stat., Ch. 38, §§ 1005-8-1 thru -2,-3; 1005-9-1.

REPORTING of OCCUPATIONAL INJURIES, ILLNESSES AND FATALITIES

NOTE: Statutory requirements for the recording of work-related deaths, injuries and illnesses, and the reporting of all accidental deaths, injuries and illnesses arising out of and in the course of employment and resulting in the loss of more than one scheduled work day or the inability to continue performing the duties of the regular job as required by the Workmen's Compensation Act, Section 6(b), are quoted on pages 47-49. The statutory provisions for similar reports under the Workmen's Occupational Diseases Act, Section 6(b), are quoted on pages 50-52.

These provisions were enacted as SB 1599 and SB 1601 and became effective July 1, 1972.

Previous Act Repealed

These work injury reporting and recording provisions in the Workmen's Compensation Acts replace the Report of Occupational Injuries, Illnesses, and Fatalities Act enacted in 1971 (IRS, Ch. 48, §§891-894) (P.A. 77-1733) which was repealed by P.A. 77-1903, effective July 1, 1972.

WORKMEN'S COMPENSATION ACT--REPORT OF INJURIES
(Ill. Rev. Stat., Ch. 48, § 138.6(b))

138.6(b). Report of injuries.) Section 6(b).

Every employer subject to this Act shall maintain accurate records of work-related deaths, injuries and illness other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job and file with the Commission, in writing, a report of all accidental deaths, injuries and illnesses arising out of and in the course of the employment resulting in the loss of more than one scheduled work day or the inability to continue performing the duties of his regular job.

In the case of death such report shall be made no later than 2 working days following the accidental death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sooner by rule of the Commission. In case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from the injury.

All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and in

Report of Injuries Sec. 6(b) (cont.)

case of death the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses if known.

The reports shall be made on forms and in the manner as prescribed by the Commission and shall contain such further information as the Commission shall deem necessary and require. The making of these reports releases the employer from making such reports to any other officer of the State and shall satisfy the reporting provisions as contained in the "Health and Safety Act" and "An Act in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named", approved July 18, 1955, as now or hereafter amended.

The reports filed with the Commission pursuant to this Section shall be made available by the Commission to the Director of Labor or his representatives and to all other departments of the State of Illinois which shall require such information for the proper discharge of their official duties.

Failure to file with the Commission any of the reports required in this Section is a misdemeanor

Report of Injuries Sec. 6(b) (cont.)

punishable by a fine of not less than \$100 nor more than \$200.

All reports filed hereunder shall be confidential and any person having access to such records filed with the Industrial Commission as herein required, who shall release any information therein contained including the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge, and in addition shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or both.

(Amended by PA77-1900, effective July 1, 1972)

138.26. penalties.) Section 26. Any wilful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, or any other person charged with the duty of administering or enforcing this Act, is a misdemeanor, punishable by a fine of not less than \$10 nor more than \$500.

The Attorney General and the State's Attorney of each county, upon the request of the Industrial Commission, shall enforce any penalties set forth in this Act.

(Amended by PA77-1900, effective July 1, 1972)

WORKMEN'S OCCUPATIONAL DISEASES ACT
— REPORT OF OCCUPATIONAL DISEASES —
(Ill. Rev. Stat., Ch. 48, § 172.41 (b))

172.41. Report of occupational diseases.)

Section 6(b). Every employer subject to this Act shall maintain accurate records of work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion or transfer to another job and file with the Industrial Commission, in writing, a report of all occupational diseases arising out of and in the course of the employment and resulting in death, or disablement or illness resulting in the loss of more than one scheduled work day or the inability to continue performing the employees regular job.

In the case of death such report shall be made no later than 2 working days following the occupational death. In all other cases such report shall be made between the 15th and 25th of each month unless required to be made sooner by rule of the Industrial Commission. In case the occupational disease results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result therefrom.

All reports shall state the date of the disablement, the nature of the employer's business, the name, address, the age, sex, conjugal condition

Report of occupational diseases - Sec. 6(b) (cont.)

of the disabled person, the specific occupation of the person, the nature and character of the occupational disease, the length of disability, and, in case of death, the length of disability before death, the wages of the employee, whether compensation has been paid to the employee, or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known.

The reports shall be made on forms and in the manner as prescribed by the Industrial Commission and shall contain such further information as the Commission shall deem necessary and require. The making of such reports releases the employer from making such reports to any other officer of the State and shall satisfy the reporting provisions as contained in the "Health And Safety Act" and "An Act in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named", approved July 18, 1955, as amended.

The report filed with the Industrial Commission pursuant to the provisions of this Section shall be made available by the Industrial Commission to the Director of Labor or his representatives and to all other departments of the State of Illinois which shall require such information for the proper discharge of their official duties.

Report of occupational diseases Sec. 6(b) (cont.)

Failure to file with the Commission any of the reports required in this Section is a misdemeanor punishable by a fine of not less than \$100 nor more than \$200 at the discretion of the Court.

All reports filed hereunder shall be confidential and any person having access to such records filed with the Industrial Commission as herein required, who shall release the names or otherwise identify any persons sustaining injuries or disabilities, or give access to such information to any unauthorized person, shall be subject to discipline or discharge and in addition shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months or both.

(Sec. 6(b) as amended by PA77-1902, effective July 1, 1972)

S T R U C T U R A L W O R K L A W

(Ill. Rev. Stat., Ch. 48, §§ 60-69)

Sec.

1. Scaffolds, cranes, ladders, etc.--Erection and construction.
2. Intermediate supports for joists, etc.
3. Placard stating load permitted--Verification.
4. Inspection--Notice of dangerous scaffolding--Alteration and reconstruction Free access--Devices regulated--Weight to be borne.
5. Work on water pipe, smoke stack tower, etc.

Sec.

6. Flooring--Filling--Plank over beams, etc.
7. Elevating machines--Openings to be enclosed--Barricading streets--Enforcement of provisions.
- 7a. Signals--Elevating machines.
8. Plans must provide for required structural features--Penalty.
9. Penalties--Enforcement--Attorney's fees--Actions for injuries or death.

AN ACT providing for the protection and safety of persons in and about the construction, repairing, alteration, or removal of buildings, bridges, viaducts, and other structures, and to provide for the enforcement thereof.

60. Scaffolds, cranes, ladders, etc.--Erection and construction.) SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances, erected or constructed by any person, firm or corporation in this State for the use in the erection repairing, alteration, removal or painting of any house, building, bridge, viaduct, or other structure, shall be erected and constructed in a safe, suitable

Structural Work Law (Sec. 1 cont.)

and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon.

Scaffold, or staging, swung or suspended from an overhead support more than twenty (20) feet from the ground or floor shall have, where practicable, a safety rail properly bolted, secured and braced, rising at least thirty-four (34) inches above the floor or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

61. Intermediate supports for joists, etc.

Section 2. If in any house, building or structure in process of erection or construction in this State (except a private house, used exclusively as a private residence), the distance between the enclosing walls, is more than twenty-four (24) feet, in the clear, there shall be built, kept, and maintained, proper intermediate supports for the joists, which supports shall be either brick walls, or iron or steel columns, beams, trusses or girders, and the floors in all such houses, buildings or structures, in process of erection and construction, shall be designed and constructed

Structural Work Law (Sec. 2 cont.)

in such manner as to be capable of bearing in all their parts, in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of fifty (50) pounds for every square foot of surface in such floors, and it is hereby made the duty of the owner, lessee, builder or contractor or subcontractor, of such house, building or structure, or the superintendent or agent of either, to see that all the provisions of this section are complied with.

62. Placard stating load permitted--Verification.)
Section 3. It shall be the duty of the owner of every house, building or structure (except a private house used exclusively as a private residence) now under construction or hereafter to be constructed, to affix and display conspicuously, on each floor of such building during construction, a placard stating the load per square foot of floor surface, which may with safety be applied to that particular floor during such construction; or if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placards, and all such placards shall be verified and approved by the Director of Labor or by the local commissioner or inspector of buildings or other proper authority in the city, town or village charged with the enforcement of building laws.

(As amended by Act approved July 11, 1951.)

Structural Work Law (Sec. 4)

63. Inspection--Notice of dangerous scaffolding--
Alteration and reconstruction--Free access--Devices
regulated--Weight to be borne.)

Section 4. Whenever it shall come to the notice of the Director of Labor or the local authority in any city, town or village in this State charged with the duty of enforcing the building laws, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding, platform or other similar device used in the construction, alteration, repairing, removing, cleaning or painting of buildings, bridges or viaducts within this State are unsafe or liable to prove dangerous to the life or limb of any person, the Director of Labor or such local authority or authorities shall immediately cause an inspection to be made of such scaffolding, platform or device, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination, such scaffolding, platform or device or any of such parts is found to be dangerous to the life or limb of any person, the Director of Labor or such local authority shall at once notify the person responsible for its erection or maintenance of such fact, and warn him against the use, maintenance or operation thereof, and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance, or by conspicuously affixing it to the scaffolding, platform or other such device, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall cease

Structural Work Law (Sec. 4 cont.)

using and immediately remove such scaffolding, platform or other device, or part thereof, and alter or strengthen it in such manner as to render it safe.

The Director of Labor or such local authority, whose duty it is under the terms of this Act to examine or test any scaffolding, platform or other similar device, or part thereof, required to be erected and maintained by this section, shall have free access at all reasonable hours to any building, structure or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use. All swinging and stationary scaffolding, platforms and other devices shall be so constructed as to bear four times the maximum weight required to be dependent therein, or placed thereon, when in use, and such swinging scaffolding, platform or other device shall not be so overloaded or overcrowded as to render the same unsafe or dangerous.

(As amended by Act approved July 11, 1951.)

64. Work on water pipe, smoke stack tower, etc.)

Section 5.

That any person, firm or corporation in this State, hiring, employing or directing another to perform labor of any kind, in the erecting, repairing, altering or painting of any water pipe, stand pipe, tank, smoke stack, chimney, tower, steeple, pole, staff, dome or cupola, when the use of any scaffold, staging, swing, hammock, support, temporary platform or other similar contrivance are required or used, in the performance of such labor, shall keep and maintain at all times, while such labor is being performed, and such mechanical device is in use or operation, a safe and proper

Structural Work Law (Sec. 5 cont.)

scaffold, stay, support or other suitable device, not less than sixteen (16) feet or more below such working scaffold, staging, swing, hammock, support or temporary platform, when such work is being performed at a height of thirty-two (32) feet, for the purpose of preventing the person or persons performing such labor, from falling in case of any accident to such working scaffold, staging, swing, hammock, support or temporary platform.

65. Flooring--Filling . -- Plank over beams, etc.

Section 6. All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fire-proof material or brick work, shall complete the flooring or filling in as the building progress, to not less than within three tiers or beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams or floors with brick or fire-proof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, such owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor

Structural Work Law (Sec. 6 cont.)

beams are of iron or steel the contractors for the iron or steel work of buildings in the course of construction or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials, to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

66. Elevating machines--Openings to be enclosed--Barricading streets--Enforcement of provisions.)

Section 7. If elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a substantial barrier or railing at least eight feet in height. Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is five stories or more in height, no material needed for such construction shall be hoisted

Structural Work Law (Sec. 7 cont.)

or lifted over public streets or alleys unless such street or alley shall be barricaded from use by the public. The chief officer in any city, town or village charged with the enforcement of local building laws, and the Director of Labor are hereby charged with enforcing the provisions of this Act. Provided, that in all cities in this State where a local building commissioner is provided for by law, such officer shall be charged with duty of enforcing the provisions of this Act, and in case of his failure, neglect or refusal so to do, the Director of Labor shall, pursuant to the terms of this Act, enforce the provisions thereof.

(As amended by Act approved July 11, 1951.)

67. Signals--Elevating machines.)

Section 7a. If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or sub-contractor, during the use and operation of such elevating machines or hoisting apparatus, in order that prompt and effective communication may be had at all times between the operator of engine or motive power of such elevating machine and hoisting apparatus, and the employees or persons engaged thereon, or in using or operating the same.

68. Plans must provide for required structural features--Penalty.)

Sec. 8. It shall be the duty of all architects or draftsmen engaged in preparing plans, specifications

Structural Work Law (Sec. 8 cont.)

or drawings to be used in the erection, repairing, altering or removing of any building or structure within the terms and provisions of this Act to provide in such plans, specifications and drawings for all the permanent structural features or requirements specified in this Act; and any failure on the part of such architect or draftsman to perform such duty, shall subject such architect or draftsman to a fine of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) for each offense.

69. Penalties--Enforcement--Attorney's fees--
Actions for injuries or death.)

Section 9. Any owner, contractor, sub-contractor, foreman or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct or other structure within the provisions of this Act, shall comply with all the terms thereof, and any such owner, contractor, sub-contractor, foreman or other person violating any of the provisions of this Act shall be guilty of a Class A misdemeanor.1/

(Amended by P.A. 77-2423, effective January 1, 1973)

And in case of any such failure to comply with any of the provisions of this Act, the Director of Labor may, through the State's Attorney, or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith.

1/ For Class A misdemeanor, See Unified Code of Corrections
Classification of Offenses, page 45.

Structural Work Law (Sec. 9 cont.)

If it becomes necessary, through the refusal or failure of the State's attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any provision of this Act, reasonable fees for the services of such attorney shall be allowed by the board of supervisors or county commissioners in and for the county in which such proceedings are instituted.

For any injury to person or property, occasioned by any wilful violations of this Act, or wilful failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heir or adopted children, or to any person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

(Amended by Act approved July 11, 1951; and P.A. 77-2423, effective January 1, 1973.)

APPROVED June 3, 1907. As amended by Act approved July 11, 1951; and P.A. 77-2423, effective January 1, 1973.

WASHROOMS IN CERTAIN EMPLOYMENTS
(Ill. Rev. Stat., Ch. 48, §§ 98-102)

Sec.

1. Application of Act.
2. Arrangement, number and how provided.
3. Inspection by proper authorities—Inspector may close.

Sec.

4. Penalty for violation.
5. Succeeding offenses.

AN ACT to provide for washrooms with toilet facilities in certain employments to protect the health of employees and secure public comfort.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

98. Application of Act.) SECTION 1.

Every owner or operator of a coal mine, steel mill, foundry, machine shop, railroad, or other like business in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving their work without washing and cleansing their bodies and changing their clothing, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary washroom, with an adequate quantity of soap containing bland non-irritating detergents which effectively cleanse the skin, at a convenient place where employees are required to report for duty or are relieved from duty, in or adjacent to such mine, mill, foundry, shop, railroad or other place of employment for the use of such employees.

(As amended by Act approved July 9, 1937.)

WASHROOMS

99. Arrangement, number and how provided.)

Section 2. Such wash rooms shall be so arranged that employees may change their clothing therein, and shall be sufficient for the number of employees engaged regularly in such employment; shall be provided with lockers or hangers in which employees may keep their clothing; shall be provided with an adequate supply of safe, clean and potable water satisfactory for drinking purposes dispensed in a sanitary manner, an adequate supply of safe, clean, hot and cold water satisfactory for shower and bathing purposes and with sufficient and suitable places and means for using the same; a sufficient number of showers for the use of employees who regularly use said wash room; and adequate toilet facilities, properly enclosed; and during cold weather shall be sufficiently heated. The floor space necessary for the men to dress in such wash room shall not be less than seven square feet per man regularly dressing in such wash room at any one time.

(As amended by Act approved July 8, 1947.)

100. Inspection by proper authorities--Inspector may close.) Section 3. All State and county mine inspectors, the Department of Labor and other inspectors required to inspect places and kinds of business required by this act to be provided with wash rooms, shall inspect such wash rooms at frequent intervals and report to the owner or operator, the sanitary and physical condition thereof in writing, and make recommendations as to such improvements or changes as may appear to be necessary for compliance

WASHROOMS (Sec. 3 cont.)

with this Act. Any such inspector may lock and close any washroom found to be in violation of this Act, and may institute proceedings to enforce the penalty provided in Section 4.

(As amended by Act approved July 8, 1947.)

101. Penalty for violation.) Section 4.

Any owner or employer who shall fail or refuse to comply with the provisions of this Act shall be deemed guilty of a petty offense.^{1/}

(Amended by Act approved July 9, 1937, and P.A. 77-2428, effective January 1, 1973.)

102. Succeeding offenses.) Section 5.

Any owner or employer who shall be convicted of a violation of the provisions of this Act shall be subject to a conviction for succeeding offenses for each and every day he shall neglect or refuse to comply herewith.

APPROVED June 26, 1913. As amended by Acts approved July 9, 1937 and July 8, 1947, and P.A. 77-2428, effective January 1, 1973.

^{1/} For petty offense, See Unified Code of Corrections Classification of Offenses, page 45.

WORK UNDER COMPRESSED AIR ACT
(Ill. Rev. Stat., Ch. 48, §§ 261-268)

<u>Sec.</u>		<u>Sec.</u>	
1.	Definitions.	5.	Penalties.
2.	Working periods and rest intervals.	6.	Enforcement of act.
		7.	Partial invalidity.
		8.	Short title.
3.	Decompression, rate of.		
4.	Observance of act.		

AN ACT in relation to employment under compressed air.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

261. Definitions) SECTION 1. When used in this Act, unless the context indicates otherwise, the term

(a) "Caisson" means a wood, steel, concrete or reenforced concrete air-tight and water-tight chamber in which it is possible for men to work to excavate material.

(b) "Lock" means a chamber designed to facilitate the passage of men and materials from an air pressure greater than normal, as in a compartment, caisson or tunnel, to the ground or water level or normal air pressure.

(c) "Pressure" means gauge air pressure in pounds per square inch.

(d) "Tunnel" means a subterranean passage or chamber.

COMPRESSED AIR

262. Working periods and rest intervals.) Sec. 2.

The working period of any person under compressed air in any compartment, caisson, tunnel or places shall be divided into two periods under compressed air with an interval of rest between the two periods. If the air pressure exceeds fifteen pounds per square inch, the said interval of rest must be spent in the open air. Persons who have not previously worked in compressed air, when the air pressure exceeds fifteen pounds per square inch shall work therein only one of the two said periods during the first twenty-four hours of their employment. Except in cases of extreme emergency no person shall be employed or subjected to pressure exceeding fifty pounds per square inch. The maximum number of hours to each period and the minimum rest intervals between the periods during any twenty-four hours for any pressure as given in columns one and two of the following table shall be set opposite such pressure in columns three, four, five, six and seven of said table:

Periods and Intervals of Work For Each 24-Hour Period

Pressure		Hours				
More than minimum no. of lbs.	Not more than maximum no. of lbs.	Maximum total hours	First period in compressed air hours	Minimum interval of rest		Maximum Second Period in compressed air-hours
				In open air-hours	hours	
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Normal	15	8	*		1/3	*
15	26	6	3	1		3
26	33	4	2	2		2
33	38	3	1½	3		1½
38	43	2	1	4		1
43	48	1½	¾	5		¾
48 or over	over	1	½	6		½

See following page for footnote

COMPRESSED AIR

Footnote for Table on Periods and Intervals of Work

* The employer may determine the time of each period when the pressure is not more than fifteen pounds per square inch, provided that the total for the periods does not exceed eight hours. The limits or hours as specified in said table shall apply according to the maximum pressure attained at any time during the period.

263. Decompression, rate of.) Section 3.

No person employed in compressed air shall be permitted to pass from the working chamber to normal air, except after decompression in a lock as follows:

(a) Where the air pressure is greater than normal and not more than fifteen pounds per square inch, the time of decompression shall be at least two minutes;

(b) Where the air pressure is more than fifteen pounds per square inch, and not more than twenty-six pounds per square inch, decompression shall be at the average rate of not more than three pounds per minute;

(c) Where the air pressure is more than twenty-six pounds per square inch, and not more than thirty-three pounds per square inch, decompression shall be at the average rate of not more than two pounds per minute;

(d) Where the air pressure is more than thirty-three pounds per square inch, decompression shall be at the average rate of not more than one pound per minute;

(e) Where the air pressure is more than fifteen pounds per square inch, a stage decompression shall be used in which a drop of one-half the maximum gauge pressure shall be at the rate of five pounds per minute. The remaining decompression shall be at a uniform rate

COMPRESSED AIR

and the total time of decompression shall equal the time specified for the original maximum pressure;

(f) The time of decompression shall be posted in each man lock.

264. Observance of act.) Section 4. Every employer of workers in compressed air and every agent, foreman, manager or superintendent thereof in charge of such work, shall be responsible for the observance of this Act.

265. Penalties.) Section 5. Any employer of workers under compressed air or any agent, foreman, manager or superintendent thereof in charge of such work, who violates any of the provisions of this Act shall be deemed guilty of a petty offense. ^{1/}

(Amended by P.A. 77-2437, effective January 1, 1973.)

266. Enforcement of Act.) Section 6. It shall be the duty of the Department of Labor to enforce the provisions of this Act and prosecute all violations of the same before any Court of competent jurisdiction.

^{1/} For petty offense, see Unified Code of Corrections Classification of Offenses, page 45.

COMPRESSED AIR

in this State, and for that purpose the Department of Labor, its officers and duly authorized employees are hereby empowered to visit and inspect at all reasonable times, all places where work is done in compressed air.

267. Partial invalidity.) Section 7. The invalidity of any portion of this Act shall in no way affect the validity of any other portion hereof.

268. Short title.) Section 8. This Act may be cited as "The Work Under Compressed Air Act."

APPROVED July 25, 1939.

Amended by P.A. 77-2437, effective January 1, 1973.

It is requested that you advise the Bureau of the results of your investigation of the above-captioned matter. The Bureau is particularly interested in the results of your investigation of the matter in the event you are unable to locate the person named in the caption.

Very truly yours,
Special Agent in Charge

cc: Bureau of Investigation
cc: New York Office

Very truly yours,
Special Agent in Charge

INJURIES AND DEATH DURING CONSTRUCTION
OR REPAIR OF BRIDGES AND HIGHWAYS
(Ill. Rev. Stat., Ch. 121, §§ 314.1-314.8)

Sec.

- 314.1 Maintenance of traffic--manner.
- 314.2 Flagmen.
- 314.3 Drivers--duty to obey flagmen.
- 314.4 Marking of closed portions of highway--manner
- 314.5 Violation of act--penalty.
- 314.6 Accrual of action.
- 314.7 Non-compliance with act--enforcement by director of labor.
- 314.8 Application of Act.

AN ACT to protect workmen and the general public from injury or death during construction or repair of bridges and highways within the State of Illinois.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

314.1 Maintenance of traffic--Manner.) Sec. 1.

All construction work upon bridges or highways within the State of Illinois shall be so performed and conducted that two-way traffic will be maintained when such is safe and practical, and when not safe and practical, or when any portion of the highway is obstructed, one-way traffic shall be maintained, unless the authorized agency in charge of said construction directs the road to be closed to all traffic.

314.2 Flagmen.) Sec. 2. At all times during which men are working where one-way traffic is utilized, the contractor or his authorized agent in charge of

Bridges & Highways (Sec. 2 cont.)

such construction will be required to furnish no fewer than two flagmen, one at each end of the portion of highway or bridge on which only one-way traffic is permitted, and at least 100 feet away from the nearest point of the highway or bridge on which only one-way traffic is safe and permitted. The flagmen shall be equipped with safe, suitable, and proper signal devices as prescribed in the Safety Code published by the Department of Transportation and shall so use such devices as to inform approaching motorists to stop or proceed. In addition, safe, suitable, and proper signals and signs as prescribed in the Manual of Uniform Traffic Control Devices for Streets and Highways published by the Department of Transportation shall be so placed as to warn approaching persons of the existence of any portion of highway or bridge upon which only one-way traffic is safe and permitted. At bridge construction or bridge repair sites, where one-way traffic is utilized, traffic control signals conforming to the Manual may be installed and operated in lieu of, or in addition to flagmen. (As amended by P.A. 77-176, approved July 2, 1971, effective January 1, 1972.)

314.3 Drivers--Duty to obey flagmen) Sec. 3.

Drivers of any motor vehicle approaching any section of highway or bridge which is limited to only one-way traffic shall obey warning signs and shall stop their vehicles if signaled to do so by a flagman or a traffic control signal.

(As amended by act approved May 4, 1967.)

Bridges & Highways (Sec. 4)

314.4 Marking of closed portions of highway--
Manner.) Section 4. Any portion of highway or bridge which is closed to all traffic shall be marked at each place where vehicles have accessible approach to such portion of highway or bridge, and at a sufficient distance from the closed portion of such highway or bridge shall be marked with an adequate number of safe, suitable, and proper warning signs, signals or barricades as set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways published by the Department of Transportation so as to give warning to approaching motorists that such portion of bridge or highway is closed and unsafe for travel.

(As amended by P.A. 77-176, approved July 2, 1971, effective January 1, 1972.) (See note at end of law.)

314.5 Violation of act--Penalty.) Section 5. Any contractor, subcontractor, or his authorized agent in charge of construction work on highways or bridges within the State of Illinois, or any driver of any motor vehicle, who knowingly or wilfully violates any provision of this Act, is guilty of a petty offense.^{1/}

(Amended by P.A. 77-2242, effective January 1, 1973)

314.6 Accrual of action.) Section 6. Any contractor, subcontractor, or his authorized agent or driver of any motor vehicle who knowingly or wilfully violates any provision of this Act, shall be responsible

^{1/} For petty offense, see Unified Code of Corrections
Classification of Offenses, page 45.

Bridges & Highways (Sec. 6 cont.)

for any injury to person or property occasioned by such violation, and a right of action shall accrue to any person injured for any damages sustained thereby; and in case of loss of life by reason of such violation, a right of action ^(shall accrue) to the widow of the person so killed, his heirs, or to any person or persons who were, before such loss of life, dependent for support on the person so killed, for a like recovery of damages sustained by reason of such loss of life.

314.7 Non-compliance with act--Enforcement by director of labor.) Section 7. In case of any failure to comply with any of the provisions of this Act, the Director of Labor may, through the State's Attorney, or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith.

314.8 Application of act.) Section 8. The provisions of this Act shall not apply to employees or officials of the State of Illinois or any other public agency engaged in the construction or maintenance of highways and bridges.

APPROVED July 22, 1959. As amended by acts approved May 4, 1967; and July 2, 1971 (P.A. 77-176); and P.A. 77-2242, effective January 1, 1973.

(NOTE: P.A. 77-176 : "This amendatory Act shall take effect January 1, 1972. The Safety Code and the Manual of Uniform Traffic Control Devices for Streets and Highways published by the Department of Public Works and Buildings shall continue in force and effect until changed or modified and published by the Department of Transportation.")

SAFETY GLAZING MATERIALS ACT
(III. Rev. Stat., Ch. 17 $\frac{1}{2}$, §§ 1-9)

Sec.

1. Short title.
2. Definitions.
 - 2.1 Safety glazing material defined.
 - 2.2 Hazardous locations defined.
3. Labeling required.
4. Safety glazing materials required.
5. Employees not covered.
6. Public hearing.

Sec.

- 6.1 Notice of hearing.
- 6.2 Determinations--distribution.
- 6.3 Modification or vacation of determinations--Objections.
- 6.4 Review.
7. Penalty.
8. Local ordinances.
9. Effective Date.

AN ACT to protect the consumer and encourage the highest standards of construction safety by requiring the use of safety glazing materials in hazardous locations in residential, commercial or public buildings, and to provide penalties for the violation thereof.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

1. Short title.) Section 1. This Act shall be known and may be cited as the Safety Glazing Materials Act.

2. Section 2, Definitions. As used in this Act, words and phrases have the meaning ascribed to them as set out in Sections 2.1 through 2.2.

SAFETY GLAZING MATERIALS

2.1 Safety glazing material defined.) Sec. 2.1

"Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of ANSI Standard Z97.1-1966 and such further requirements as may be adopted by the Department of Labor, after notice and hearing as required by Sections 6 and 6.1 of this Act, and which are so constructed, treated or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

2.2 Hazardous locations defined.) Sec. 2.2.

"Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures and fixed glazed panels adjacent to entrance and exit doors which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, where the use of other than safety glazing materials would constitute an unreasonable hazard as the Department of Labor may determine after notice and hearings as required by Sections 6 and 6.1 of this Act. Whether the glazing in such doors, panels, enclosures and other installations is transparent has no relevance towards the meaning of "hazardous locations."

SAFETY GLAZING MATERIALS

3. Section 3. Labeling required.

(A) Each light of safety glazing material manufactured, distributed, imported or sold for use in hazardous locations or installed in such a location within the State of Illinois shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material on the safety glazing material or by other suitable means. The label shall indicate the labeler, whether manufacturer, fabricator or installer, the nominal thickness, the type of safety glazing material, the fact that the material meets the test requirements of ANSI Standard Z 97.1-1966 and such further requirements as may be adopted by the Department of Labor.

The label must be legible and visible after installation.

(B) Such safety glazing labeling shall not be used on other than safety glazing materials.

4. Section 4. Safety glazing materials required.

No person, within the State of Illinois, shall knowingly sell, fabricate, assemble, glaze, install, consent or cause to be installed glazing materials other than safety glazing materials in, or for use in, any hazardous location.

5. Sec. 5. Employees not covered.

No liability under this Act shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with this Act.

SAFETY GLAZING MATERIALS

6. Section 6. Public hearing.

Before the Department of Labor determines and adopts further requirements for safety glazing material, in addition to the requirements of ANSI Standard Z-97.1 1966, and before the Department determines what constitutes an unreasonable hazardous location in need of safety glazing material, the Department shall hold public hearings for such determinations. Interested parties may testify and submit other relevant evidence at such hearings.

6.1 Sec. 6.1 Notice of hearing.

Notice of such hearing, stating the time, subject and location, shall be given at least 30 days before the date of the hearing by publication in a newspaper of general circulation within the county in which the hearing is to be held, and by mailing notice thereof to any individual, firm, partnership, corporation or association who have filed with the Department of Labor their names and addresses, requesting notice of such hearing.

6.2 Sec. 6.2 Determinations--Distribution.

Upon the conclusion of such hearing, the Department of Labor shall enter in writing any determinations regarding additional requirements for safety glazing material or unreasonable hazardous locations in need of safety glazing material. Copies of determinations shall be mailed to interested parties whose names are on file with the Department as provided in Section 6.1.

GLAZING MATERIAL ACT

6.3 Sec. 6.3 Modification or vacation of determinations-- Objections. Within 30 days after the entry of a determination, the Department may modify or vacate such determination by its own motion or upon written objection by a party affected by such determination. The Department, in its discretion, may or may not act upon written objections by such affected parties.

6.4 Sec. 6.4 Review. Any determination adopted by the Department as a result of a public hearing is subject to review under the Administrative Review Act as now or hereafter amended.

7. Sec. 7. Penalty. Whoever violates this Act is guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than \$500 nor more than \$10,000, or be imprisoned for not more than one year, or both so fined and imprisoned.

8. Sec. 8. Local ordinances. This Act supersedes any local, municipal or county ordinances, or parts thereof relating to the subject matter hereof, except that this Act shall not apply to any municipality or county with home rule powers from and after the date such municipality or county has enacted a superseding ordinance.

9. Sec. 9. Effective date. This Act takes effect January 1, 1972 and applies to installations made after January 1, 1973.
(As amended by P.A. 77-1909, approved July 1, 1972)
(P.A. 77-112 approved June 22, 1971, effective January 1, 1972, as amended by P.A. 77-1909, approved July 1, 1972.)

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<p><u>PROTECTION OF CHAUFFEURS.</u> (<u>Ill. Rev. Stat.</u>, Ch. 48, §§ 89-90)</p>
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Sec.

1. Shield and hood on delivery trucks and automobiles.
2. Penalty for violation.

AN ACT to protect chauffeurs in their employment from dust, wind and inclement weather.

89. Shield and hood on certain automobiles.)

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Every person or corporation owning, operating or controlling automobiles or auto trucks used for the delivery of merchandise, produce or freight, shall keep upon the front of the said automobiles or auto trucks a shield and hood as an inclosure to protect chauffeurs from wind, dust and inclement weather.

90. Penalty for Violation) Section 2.

Every person or corporation owning, operating or controlling an automobile or auto truck who shall neglect or refuse to comply with the provisions of section 1

of this act upon conviction shall be fined not less than ten dollars nor more than \$50.00 for each and every day and for each and every automobile or auto truck used and operated in violation of section 1 of this act.

APPROVED June 27, 1913.

TAXICAB SHIELDS REQUIRED IN CITIES OF
1 MILLION AND OVER POPULATION
(Ill. Rev. Stat., Ch. 95 $\frac{1}{2}$, Sec. 12-605)

Motor Vehicle Code—Ch. 12 Equipment
Article VI Miscellaneous Requirements

Sec. 12-605. Taxicabs--Bullet-proof shields.
In municipalities with 1,000,000 or more population, any taxicab manufactured, owned or operated after September 1, 1970, and regularly operated in such a municipality must have a bullet proof shield completely separating the driver's seat from the back seat.

Any person owning a taxicab which is in violation of this Section shall be fined not to exceed \$500.

(As amended by P.A. 77-37, approved May 19, 1971.)

MEDICAL EXAMINATION OF EMPLOYEES OR APPLICANTS
FOR EMPLOYMENT

(Ill. Rev. Stat., Ch. 48, §§ 172d-172g)

Sec.

1. Cost of examination.
2. Employer defined.
3. Employee defined.
4. Penalties.

AN ACT forbidding employers to require employees or applicants for employment to pay the cost of medical examinations required as a condition of employment.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

172d. Cost of examination.) SECTION ONE.

No employer shall require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records of such examination required by the employer as a condition of employment.

172e. Employer defined.) Section 2.

The term "employer" as used in this Act shall mean and include an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within the State.

MEDICAL EXAMINATION

172f. Employee defined.) Section 3.

The term "employee" shall mean and include every person who may be permitted, required or directed by any employer, as defined in Section 2, in consideration of direct or indirect gain or profit, to engage in any employment.

172g. Penalties.) Section 4.

Whoever violates the provisions of this Act shall be guilty of a petty offense and fined not more than \$100 for each offense.

(Amended by P.A. 77-2430, effective January 1, 1973)

APPROVED July 11, 1951.

Amended by P.A. 77-2430, effective January 1, 1973.

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